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ONTARIO ADVISORY COMMITTEE ON CONFEDERATION

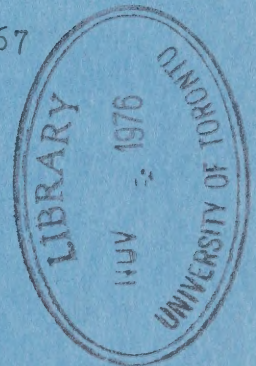
M E E T I N G

held at

The Frost Building, Queen's Park,
TORONTO

on

FRIDAY, JANUARY 20, 1967



VERBATIM REPORT OF PROCEEDINGS

ONTARIO ADVISORY COMMITTEE ON CONFEDERATION

ONTARIO ADVISORY COMMITTEE ON CONFEDERATION

Meeting held at the Frost Building, 5th Floor,

Frost Building, Queen's Park, Toronto,

on Friday, January 20, 1967.

PRESENT:

M E E T I N G

held at

The Frost Building, Queen's Park,
TORONTO

Mr. E. Forsey
Mr. G. Gathercole
Dean W. R. Lederman

on

Mr. G. R. Wagon

FRIDAY, JANUARY 20, 1967

Prof. A. Macdonald

Prof. J. Meisel

Mr. H. H. Seguin

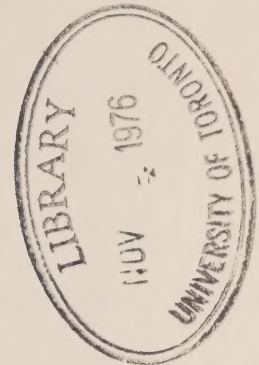
Mr. H. Farrell (Secretary)

Mr. P. Venton

Mr. C. Deer

Mr. H. Poon

Mr. J. Roy



VERBATIM REPORT OF PROCEEDINGS

ONTARIO ADVISORY COMMITTEE ON CONFEDERATION

--- Meeting held at the Board Room, 6th Floor,
Frost Building, Queen's Park, Toronto,
on Friday, January 20th, 1967.

PRESENT:

Mr. I.M. Macdonald (Chairman)

Prof. A. Brady

Prof. D. Creighton

Prof. P.W. Fox

Dr. E. Forsey

Mr. G. Gathercole

Dean W. R. Lederman

Mr. C. R. Magone

Prof. R.C. McIvor

Prof. E. McWhinney

Prof. J. Meisel

Mr. R. N. Seguin

Mr. R. Farrell (Secretary)

Mr. P. Venton

Mr. C. Beer

Mr. G. Posen

Miss J. Roy

--- At 9.40 a.m.

THE CHAIRMAN: I think we had better begin. As far as I can report on the state of the Committee, I have apologies for absence from Professor Conway, Dean Dillon (who found that he would not in fact be able to return in time for this meeting), Professor Symons, Mr. Perry. I have not had recent news of Father Matte, although I have written to his office to enquire for his welfare. Those not with us -- but gradually arriving -- others unaccounted for: Messrs. Creighton, Gathercole and Meisel.

On the staff side I am sorry to report the indisposition of Mr. Stevenson, who seems not to have quite recovered from the rigours of last weekend; more than compensated for by the pleasure at introducing Miss Roy, who has joined our Federal-Provincial affairs secretariat and is seated to my right.

I would also like to welcome you to the new quarters here, and perhaps you might reserve final judgment until the room has been adorned by the drapes and brightened by some pictures which we hope to have on the wall eventually.

As far as the procedure for the day, I thought it would be appropriate at this first meeting of the New Year, and also at the beginning of our third year of life, to try and have a day in which

we would not proceed to a specific deadline by purpose but rather we would have an opportunity to recapitulate and perhaps lay out our plans for the coming months, with one particular and important objective in mind, and that is a matter which I would like to report on privately here, although this will be forthcoming publicly in the next little while -- the Prime Minister's decision to go ahead with the notion of convening a conference on Confederation. He has asked me to discuss this question with the Committee with a view to having your advice on the agenda for such a Conference, the objectives of such a conference, the form of such a conference and, indeed, I think this is appropriate as an outcome of all the work we have been doing.

I described as well as I could to the Prime Minister some of the events of last weekend, and he was particularly interested in what had taken place. I reported to him properly, I think, with some pride that I thought that the Ontario position had been well represented, and perhaps the counterparts from Quebec had heard some things and been exposed to some points of view which perhaps were, if not new to them, at least presented with an emphasis which was a healthy contribution to the debates.

So I was proposing that we might go into sub-committees this morning and consider in those

sub-committees four matters, which I think in fact are all inter-related.

The first is to review what transpired at the Kingston meeting in a practical way, to see what suggestions arose from that meeting that we should be alert to or that we might study further or that we might consider as part of our preparation for this conference on Confederation; that secondly we should look at this document which the staff have placed before you this morning called "A complete list of resolutions, papers and reports". This is really, I think, a rather impressive document, as one looks back. We have assembled a great deal of information and undertaken a great deal of study and I would say almost that we have done enough background study in a sense at this point. For myself, I intend locking myself up for one weekend with all of this material and seeing if it does not point to some guidelines when taken as a whole, which again we might put in the form of resolutions or total position for presentation in the Confederation debates. I thought we should give this some study and try to decide in what directions it does point and what resolutions might come out of it. Then both of those items, as I say, will really be a good background for considering the conference on Confederation.

If there is further time, we might ponder

further the Rowat report and, in particular, where we wish to take that inquiry from this point on. As you recall Professor Rowat made the offer of doing a further study of Federal Capital territories in other jurisdictions in terms of the problems or the light that it might shed on this case. I think this would be a suggestion that we should welcome and would take up, and I would hope the Committee would support that point of view.

Since we appear to be a rather small group today, I would think that we might all work fairly effectively in our small sub-committees this morning, and then we will have some lunch brought in here at one o'clock and, in the neighbourhood of 1.30 we could resume in plenary session to review our discussions of the morning. As I say, this is a smallish Committee today and perhaps we can have quite an effective plenary discussion, if you would agree to that.

Now, are there any other matters that you would like to raise? Mr. Beer has reminded me that you might wish to consider a letter being sent on behalf of the Committee to Professor Burns, expressing our appreciation to him. I might say I did on my own behalf send out a brief note on Monday morning to him to thank him for his assistance, but would you care to have such a letter send on behalf of the Committee as a whole?

PROF. FOX: Very good idea. I think the

members of your staff who worked on the arrangements for the conference ought to be congratulated too, Mr. Chairman. I thought that the details were looked after in the most exemplary fashion, and I think that things were done just right, without obtrusiveness and yet efficiently and pleasantly. I would like to say personally that I enjoyed the arrangements that were made.

THE CHAIRMAN: I can see that Professor Creighton is cogitating one or two reservations about the arrangements.

PROF. FOX: The room allocations were not ---

PROF. CREIGHTON: Room allocations were highly imperfect; at least the heating arrangements were certainly highly imperfect. Moreover, it seemed to me more than a little strenuous and indeed rugged, that we should be ready to talk at nine o'clock which seems an un-christian hour particularly on Sunday.

DR. FORSEY: That is just Queen's.

THE CHAIRMAN: I have forgotten from your writings, Professor Creighton, whether Sir John A. MacDonald was an early morning man or not (laughter).

PROF. CREIGHTON: I don't think so. I think it is highly probable he was not.

PROF. FOX: Mr. Chairman, on a point of

time today, if we could just revert to that for a moment, I wonder if the hour of one for lunch and resuming plenary after lunch is going to be a proper distribution of time. It is not ten yet, and if we go to sub-committees now, I wonder if we might either come back to plenary before lunch or move lunch up and start plenary a little earlier.

THE CHAIRMAN: Entirely as you wish.

PROF. FOX: I know there are some members would like to get away a little early. I have to leave myself at four.

THE CHAIRMAN: What is the state of affairs at the end of the day?

MR. SEGUIN: I have to leave myself at 2.30. I could not get my reservation later. I have to leave by the four o'clock plane.

DEAN LEDERMAN: I have to leave at four.

THE CHAIRMAN: So we want to wind up by four, I would judge by all this. Paul, what is your wish?

PROF. FOX: I don't care. I am just thinking of the time allocation if we are going to be quite few in number in each of our sub-committees, because then maybe we could get through sub-committees by twelve.

PROFESSOR CREIGHTON: 12.30, say.

PROF. FOX: If we wait for lunch until one and do not resume in plenary until after lunch ---

THE CHAIRMAN: We could conclude at 12.30 and have lunch, resuming at 1.00.

PROF. FOX: That would be fine.

THE CHAIRMAN: That would give us three straight hours.

PROF. FOX: Is there any problem about lunch?

2 PROF. McWHINNEY: You wouldn't mind if I miss perhaps half an hour on resumption. I am to have lunch with a former member of this Committee. Actually we are discussing matters connected with my report.

THE CHAIRMAN: Unless you would like someone to make a call for you, or if you would like to call.

PROF. CREIGHTON: Say quarter past one rather than one.

PROF. McWHINNEY: I am just going down to Osgoode Hall actually, so I will be back.

PROF. CREIGHTON: It would be a good idea if we could at least have a chance to walk outside.

THE CHAIRMAN: The light luncheon does not take long to consume. Let us say one o'clock and the luncheon will be served here punctually at 12.30.

Now, as to locations, we have one other meeting room that will be put together down the way here, but it is not furnished yet, so I propose that the constitutional committee might remain here; you

and I, Craig, can collapse in my office next door; and the cultural committee will think of our absent friend Mr. Stevenson in his office.

DEAN LEDERMAN: May I ask you before we disperse, Ian, can you fill us in a little more on what the Prime Minister has in mind about his proposed conference? I mean, it is going to be very hard to direct our minds to what we might suggest, unless we know more than just that he has this in mind.

THE CHAIRMAN: What he has in mind about a proposed conference is to consider what we might have in mind about the proposed conference.

PROF. CREIGHTON: All right, then we can speak freely, eh?

THE CHAIRMAN: Right. I will tell you this much, that the idea would be to invite the Premiers and Prime Ministers and the Federal Government to a conference on Canadian Federalism and Confederation, later in this calendar year.

The one point he did make quite explicit is that this would not be a conference on the constitution as such, or only on the constitution; rather it would be a conference on Confederation in terms of what is wrong with the federal system and the working of the federal system, and what might be done to improve it.

Now, I mentioned to him how we had approached

our meeting last weekend, in which constitutional matters became residual, so to speak, so that it was in the final analysis constitutional change if necessary, but not necessarily constitutional change; that we surveyed the cultural programme; we inevitably surveyed the economic problems of some of these very practical matters such as Jacques Parizeau spoke about; then we went on to the point of seeing what should or might be done, if necessary, in constitutional terms.

This could be a first in a series of conferences, you see. I say "could be" because if the thing collapsed in disarray there might not be further conferences. On the other hand it might set up a chain of events.

I need not say this, I know, but I would be very pleased if this subject for the next few days could be confined to this audience, so to speak, because I know the Prime Minister has one or two reservations on the political side of it.

PROF. McWHINNEY: It is a political policy-maker's conference, though, that presumably would be private and limited to politically elected ---

THE CHAIRMAN: Yes, that is the notion.

PROF. McWHINNEY: -- heads of government.

THE CHAIRMAN: So far, but I would not want -- excuse me, Ted -- anyone here to feel inhibited in that sense; that is to say, if you conclude it might well be of a different character

or different constituency, by all means let us explore that.

PROF. McWHINNEY: It is different though, for example, from one suggestion raised earlier which I think the Committee, perhaps the majority, was not too well disposed about, which was a notion of sort of public hearings on the more sophisticated and presumably more scientific basis than the Quebec Estates General. As Eugene would say, one would hope so, but there is quite a difference between what obviously they call policy-maker's conference of a private character and a sort of public, educational conference. It is the former really the Premier is thinking of?

THE CHAIRMAN: Yes.

PROF. CREIGHTON: Is it a private meeting?

THE CHAIRMAN: No.

PROF. CREIGHTON: Open to the press and public?

THE CHAIRMAN: I should have mentioned this other point, that he thinks quite firmly that this should be a public - public in the sense of an open meeting.

PROF. McWHINNEY: It would be a sort of constitutional convention then really - a Confederation convention?

THE CHAIRMAN: No, I think it would be at the political level, an exercise in what we have been attempting to do here: answer questions on

what is wrong with Canadian Federalism and how it might be changed.

PROF. McWHINNEY: Is it depending on the other provinces too, each of them coming in; or, for example, would he be encouraged to go ahead if, say, Quebec and Ontario alone were interested?

THE CHAIRMAN: Well, I have the impression that he thinks or has reason to believe that everyone would accept such an invitation.

DEAN LEDERMAN: Certainly, you know, the type of conference we had last weekend was most useful, I think; and it is hampered without the Prince of Denmark, if the Federal Government is not there.

PROF. FOX: He is going to invite the Federal Government, you suggested?

THE CHAIRMAN: Yes.

DEAN LEDERMAN: Yes, I realize this is his intention, and I am just emphasizing that I think it is essential to the thing that we are talking about, who may or may not accept invitations.

THE CHAIRMAN: Hamlet will be invited.

PROF. McWHINNEY: I would not think it is essential, for I think last weekend's meeting gained tremendously, even by having the two principal participants take part.

PROF. CREIGHTON: One result of it was that we forgot completely about the rest of Canada.

PROF. McWHINNEY: Yes, but I think one other result, which I was saying to the Chairman privately before the meeting opened, was that it was certainly quite an education to the representatives from Quebec.

I went back in their plane with them, and they were extremely taken by the modesty and the thoughtfulness with which positions had been formulated here, and the obvious, as they say, element of common sense and reasonableness. In other words, I think you could hold a conference if the Federal Government decided not to accept the invitation.

DEAN LEDERMAN: The question arises -- and I am not carrying any special torch for the idea -- whether that same sort of conference between this Committee and what you might call the Federal technocrats might not be a good thing. You would then have a pretty complete picture of thinking at that level both in the province of Ontario and in Ottawa, but I just throw that out. As I say, I am not carrying any torch for that idea.

THE CHAIRMAN: That is a very interesting idea.

PROF. McWHINNEY: Has it been considered? Who would be the Federal counterpart?

DEAN LEDERMAN: There is a special working group in the Federal Government.

PROF. McWHINNEY: But it is partly political. It is headed by Pierre Trudeau. This is the one with Jean Beetz.

DEAN LEDERMAN: But it is within the Civil Service, headed by Gordon Robertson, I think.

PROF. McWHINNEY: I thought Trudeau was Chairman. It is a good idea if one can find the right people.

DR. FORSEY: I am afraid I reflect any kind words that the Quebec delegation voted for in Kingston. I have seldom been more depressed than I was after that.

PROF. CREIGHTON: Hear! hear! I think this is what we are going to talk about in committees though.

THE CHAIRMAN: Well, I do not think there is any more, Bill, I can really add.

DEAN LEDERMAN: That is fine.

THE CHAIRMAN: To that much, but if there are not any other matters perhaps we could divide and we will resume here at 12.30 for lunch and then go on to the plenary session.

--- The Committee broke up into sub-committees at 10.02 a.m. and resumed in plenary session at 1.30 p.m.

THE CHAIRMAN: I think we might resume.

Professor McWhinney has not yet returned, but I think we should get along in view of the early departure of some.

Now, this item on the agenda about a conference on Confederation, some of the considerations of that undoubtedly may affect the future of the research programme and so on; so I would like to deal with that at the beginning.

From conversations I had at noon, I got the impression that perhaps I had not made the position quite clear. I think there is very good reason for that, because I frankly don't know how far one can go in drawing the Committee into the governmental legislative policy process that is, of course, imminent at this time. I feel a little circumspect perhaps in dealing with the government policy and not, as I say, wishing to bring an Advisory Committee into all of the political aspects of that process.

However, I gather there may be some matters of confusion that have arisen from failure to make quite clear something of the Prime Minister's intentions and there are three points I would like to make of a practical nature which I think may clarify this.

The first is that this proposal, or some variant of it, is not something that is precisely laid down as a proposal by the Government of Ontario,

to convene a constitutional assembly or any such matter; it is a proposal which the Prime Minister intends placing before the Legislature in a debate on Confederation.

As you see, I am already getting into the position of having to go fairly far in describing the imminent legislative programme. Suffice it to say that this is to pinpoint a subject of debate within the Legislature and to consider what the Legislature of this province as a whole might advise on the future conduct of affairs.

The second thing, which is perhaps causing more difficulty and is perhaps premature on our part because it is a matter for the politicians to decide, was this question of whether any such meeting that might be provided would be a public or private meeting. That is, I think, quite a separate problem from the procedures for dialogue and I dare say that the Prime Minister will formulate his own views on that question.

The third thing is that my discussions with him in no sense define this or even suggest that this might lead into necessarily the constitutional realm. The feeling of the Prime Minister is simply that there is a vacuum at the political level for discussing certain working procedures of the federal system of government, and that somehow a situation must be created where the eleven partners to that procedure

can decide what they are going to do.

Let me illustrate this. There has to be some consideration of the Tax Structure Committee, how it should be formed and how it should perform in the future. There must be some consideration of the machinery necessary to provide continuity to federal-provincial relations.

Perhaps then what is needed is a continuing committee of civil servants on Confederation, as there is a continuing committee on economic and fiscal matters.

There are any number of other practical questions of machinery of government which have been discussed and the Prime Minister's intention is that there should be an opportunity for the political heads of state, so to speak, to talk about those things among themselves; to advance these considerations free from the other situations in which they meet which are normally concerned with fiscal or economic matters. That is why he went on record at the Federal-Provincial Conference - all of which is not part of the public record, I might say, because this was within the conference itself - on his proposal to move in that direction. This is, of course, a matter that has been the subject of discussion in the government and with his Cabinet colleagues and so on.

All he simply said to me, as far as the

Committee was concerned, was to seek some advice in the next few months on the issues that appeared before us and the matters that could be discussed in a practical manner. He is well aware that this machinery might not take, but that he would like to gauge if there was also the prospect that it might take and it might become the beginning of a series of meetings.

I think there is a danger of making the thing more complex than this. It is simply in this degree, that there is presently no machinery, no situation, nor arrangements for the eleven leaders to meet without discussing off-shore mineral rights, without discussing equalization payments, without discussing other matters of political heat, but to discuss the future of the Canadian federal system.

It seemed to me both appropriate in the Confederation year and appropriate for this province for historical reasons, to lay this question before the Legislature; not to be pre-disposed to do a particular thing, but to lay the question before the Legislature and, as you know, the Legislature has been anxious to debate Confederation. Then if you do you have got to have some focal point around which to focus the debate.

I say as frankly as I can that that is the background to the Government's thinking on the matter, and perhaps I have been premature in raising this

question here, because it is going to take some little while, on the assumption that the Legislature is interested in the matter at all, to formulate what should be done, and some few months to collect advice and prepare any plans of this kind. As I say, perhaps I am premature. Perhaps I should have been better advised to wait until the Session is open to see what the Legislature decide, and then to follow on from the requests of the Government for particular advice on a particular set of problems.

PROF. BRADY: This suggestion of his is not going into the Speech from the Throne?

THE CHAIRMAN: Frankly I don't know because the Speech from the Throne will not be settled until the Cabinet meets at the first of the week. So I would not rule out of the Speech from the Throne reference to Confederation or its problems, or to any resolutions that he proposed to put to the Legislature.

MR. GATHERCOLE: Is it not something for the Government to decide? Obviously they have the discretion to determine whether it should go in or not.

THE CHAIRMAN: That is what I was trying to say. I do not feel we can discuss the Legislative programme here. It is not perhaps appropriate.

PROF. MEISEL: Mr. Chairman, I think, however, if there is a possibility that something of

this kind may find its way into the Speech from the Throne, I think it is our duty as a Committee which ought to advise the Prime Minister on matters dealing with Confederation, to point out to him when we think that certain actions may be taken which may have unfortunate consequences towards the kind of policy that he would like to see develop.

What I have in mind specifically is that, for instance, if there were an announcement in the Speech from the Throne that the Government of Ontario is going to sponsor some sort of conference on Confederation, it would give the impression to people in Ontario and elsewhere that there will be a conference which will solve a lot of problems; and if a conference of this kind fails to solve any problems, this may have very harmful effects on Confederation.

Therefore I think the Prime Minister should be made aware of our anxiety about this kind of thing, before the Speech from the Throne receives its final form.

THE CHAIRMAN: Well, yes, I can appreciate that, and he has certainly contemplated both the public and the broader risks at great length; but then, you know, these positions are going on and there are such risks. As you say, this becomes a matter of the way the thing is presented, I suppose, in terms of the expectations it creates. It is his

intention, before anything is done of that kind, to make abundantly clear the issues that he wants to consider, and those will be laid out.

As I said, one of the most important ones is this question of what machinery should we have in the future to deal with these fiscal problems we are facing; not to go into a type of meeting where there is political fighting about who gets what dollars, but rather to decide how the questions are to be decided, so to speak.

MR. GATHERCOLE: I do not think anyone is ever derogated by reason of trying to bring about a solution to a problem. You try to evolve a number of solutions, all governments have as well as individuals, and the fact that in a number of instances these have not met with full success does not mean they have not been worth while trying. That would be my feeling about it. I cannot see that out of this establishment of some new mechanism or the new effort to stimulate thought and to bring about some new approach or accelerated solution to the problems of Confederation, I cannot see that even if the results are disappointing and the results do not achieve the full goal, that there is any great risk in seeing what could be done.

DEAN LEDERMAN: I think, Mr. Chairman, it would be unfortunate if Mr. Robarts were to give the same impression about his proposed conference or

conferences, that Mr. Diefenbaker conveys about what he is proposing. He does talk in terms of the one great conference that is going to settle everything, and this is the thing that frightens me. There must be conferences, there must be information for public opinion and so on, there must be a lead given to public opinion. There must be information and debate in the country. I do not think there is any suggestion that the debate should not be vigorous, but probably we worry more about the problems of responsible government than they worry about them themselves in respect to their problems (perhaps naturally). They know their problems better, and we may fear things that they do not fear.

In our discussion this morning, discussing the issue that we thought was before us, we reached the view that a public conference at the top political level between heads of governments, a public conference at which they would be in a position of taking positions to which they would be held then and there, this would be pretty dangerous. If there is going to be a lot of taking of positions, let other people do it, group of experts do it, in public conferences of that kind; but I think, Mr. Chairman, you did say the conference was going to be public, and this is what set us off perhaps on a line of considerations that led us to some alarming thoughts.

THE CHAIRMAN: Yes. As I say, I prefaced all of this by saying that there is nothing final or settled about the mechanics. Indeed the mechanics are the things that he is most interested in receiving the advice of this Committee upon.

Let me go back to this point. What is clear in his mind is that there must be a facility for talking about Canadian federalism at the political level, which is lacking; this is the gap.

I think what is in his mind is that one might be able to start a series of annual meetings at which, in some regular basis, the eleven governments would come together to talk about the problems of Canadian federalism; and that in the long run this might diminish the number of times that they came together in heat to talk about off-shore mineral rights or whatever it were; not that politics being what they are, this is going to prevent specific problems from ever occurring, but over the long run one would have an apparatus.

For example, I think the meeting now of the Premiers, annual meeting of Premiers which has taken place since 1960, has been a most useful device at the administrative level for working out all kinds of administrative apparatus, uniformity requirements, exchange requirements between provinces, common denominators of behaviour between provinces. It has been most productive.

His idea is that at the level of the Federal-Provincial area, such meetings, designed to deal with the mechanics of federalism, could be equally productive in the long run.

The question of public or private I mentioned only because in one discussion we were discussing the larger question of what is happening to the legislative governmental life of the country, where undoubtedly a lot more decisions are being taken at Federal-Provincial conferences; and whether it is consistent to have the Parliament and the Legislature public forum

and not to have this institution public. One remark, that maybe it would be a good thing if, in talking about the mechanics of federalism, this were a public opportunity for the public to be educated about the problems of federalism.

This went back to an experience that he said he had repeatedly in speaking to groups and meeting with groups. I have had this experience myself, and I dare say you have too: that in finally telling people what the kind of problems are that you are dealing with, they say: "WE had no idea this is what federalism is about and these are the problems that we are facing".

So that there might be some public service value in this too, but I do not want to suggest that the public or private issue is the question of issue and essence. I think that is a separate issue, and

I think that the advice of this Committee on this question would be eminently worth while.

DR. FORSEY: It seems to me, Mr. Chairman, if you are going to announce the thing beforehand, even if you say it is private, it is not going to stay so. The newspaper people and the commentators and what-not will come flocking around, sniffing and scenting blood on occasion, and all kinds of leaks will occur, all kinds of silly inspired stories will get out.

The entire augmented Committee this morning took a very dim view of the whole thing, and my recollection is that we invited Professor Lederman to draw up a statement of the views that had been worked out. I think the statement is still appropriate and might be useful for the people who were not on hand for the augmented Committee, that is, three of you up there above the salt, to hear.

THE CHAIRMAN: That is fine.

MR. GATHERCOLE: Bob, we are below.

THE CHAIRMAN: By all means we should discuss that although, as I say, I would hope that in the brief discussion we had this morning which preceded the meetings of these sub-committees, that any remarks I made (as I suspect perhaps you did not) were explicit enough in terms of the issue at hand and, in particular, in terms of the ~~believe~~ believe of the Prime Minister and Government that he has both on record in this matter and also has some personal

conviction about it.

DR. FORSEY: It is on record as something rather less specific than this, judging by the excerpt we got from the speech in Montreal.

THE CHAIRMAN: I am thinking in the Federal-Provincial Conference though among his colleagues and other Premiers.

DR. FORSEY: Anyway they can change their minds, and that is sometimes possibly the wise thing to do. I suggest we might hear Professor Lederman's draft of what we thought this morning.

THE CHAIRMAN: Okay.

DEAN LEDERMAN: This is only a draft and obviously subject to change in any respects in which it is inaccurate or inappropriate. I drafted it as a statement advising and suggesting certain things, not as a resolution. It says:

"We have been asked our opinion on the
"approval of a proposal that the
"Government of Ontario sponsor a public
"Federal-Provincial conference on
"Confederation."

That may be wrong; perhaps that is not too good a wording that way.

"... the members of which would be the
"Prime Minister of Canada, Prime Ministers
"of the provinces and perhaps other
"responsible Ministers.

"We are opposed to the idea of a
"public conference at this top political
"level, because it involves a public taking
"of positions by responsible heads of
"government that would be dangerous and
"possibly quite harmful in the situation
"of Canada at this critical time. We
"think that a constitutional conference at
"the top political level should be private."
I mean, constitutional conference of heads of
governments in this connection.

"We recognize that there is a need to inform
"and lead public opinion on issues of
"federalism in Canada, and we suggest there
"might be useful ways of doing this.

"(a) There might be special public
"conferences on specific issues
"involving experts, professional groups
"and others who can carry on useful
"public discussions without committing
"any governments to the positions taken.

"(b) There might be some publication
"of essays or papers on particular
"issues to help public debate; for
"instance, selected studies and
"documents done for this Advisory
"Committee."

That is the extent of my draft.

PROF. McIVOR: Mr. Chairman, the preamble to Dean Lederman's statement varies somewhat from my understanding of the case. I thought you were telling us this morning that the Prime Minister had pretty well decided that he was going to initiate discussion of a proposal of a conference on Confederation and that what we were really being asked to advise upon was the form in which this whole thing might be advanced most effectively.

You have said if I understand you correctly, that he had decided to introduce into the Legislature the notion of holding a conference, by way of focussing the debate on Conferation problems in the Legislature.

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Now, there are, of course, political risks that are involved in a proposal of this kind. They are political risks, and I think it is the business of the Prime Minister to assess those political risks and proceed with whatever decision he thinks is appropriate; but I think it is particularly important that some sort of channel of communication be established here whereby at the top political level, and perhaps with senior advisers, the representatives of provincial and federal governments can come together in some atmosphere which is not designed to consider a particular limited area of discussion such as economics or fiscal problems, and which is not designed to cope with the immediate

pressing interests of the day which have to be resolved tomorrow.

I think there is a desperate need for some continuing mechanism to be set up whereby at this level the broader, comprehensive problems and issues of Confederation could be reviewed.

I think it is very important, in going about this, that the arousing of false expectations be avoided if at all possible. This certainly is tied very closely to the form which such a conference might take, whether it is going to be public or private and so on.

I share most of the reservations about a public conference that are indicated in Dean Lederman's statement. I think we should try to make quite clear that the object of such a meeting would be simply to provide the opportunity for a comprehensive review of all the areas in Confederation without suggesting that the answers to the country's problems are going to be found here. I think that the risk of failure in such an operation is no reason in itself for not making the effort to go through with it.

In my view the main contribution that this Committee can make, recognizing the need for this kind of conference, the main contribution that we can make is in perhaps guiding the general form and the context in which such a conference should be

held.

DR. FORSEY: I had not much hope but that if they start to discuss general problems they will not pretty promptly get on to various sore spots. It seems to me that any other conclusion is the triumph of hope over experience, as Dr. Johnston said of second marriages.

THE CHAIRMAN: If it re-assures the concern of the Committee, which I think is appropriate and properly appreciated, I can say that in discussing the situation the Prime Minister raised the question of false expectations, among other risks that had not been raised here; so that if there is any concern about his judgment not taking account of the risks, I can re-assure you on that. Having weighed those, he came to a certain decision, as one must do at a certain point.

DR. FORSEY: There is also the consideration raised this morning which does not appear there (no reason why it should) but I do not know that it is entirely irrelevant: that a public initiative from the Province of Ontario on this subject might not be too well received in the outlying parts of the provinces, the Atlantic provinces and the West. Ontario is not the most popular province in the country. I think it would probably be well received in Quebec, but I suspect it might be regarded in the Atlantic provinces and the western provinces as a bit

"uppity".

PROF. McIVOR: Which is the most popular province in this country?

DR. FORSEY: Not Ontario, just as Toronto is not the most popular city in the country.

PROF. MEISEL: It is perhaps not germane to the argument, but in a survey that we did last year we found that when we asked people which province they would most want to live in in Canada, Ontario led by a wide margin, with B.C. ---

MR. SEGUIN: Mostly from the Maritimes.

PROF. MEISEL: Well, all over.

DR. FORSEY: I don't think the Atlantic provinces governments or western governments would take too kindly.

THE CHAIRMAN: Can I add a word on this, because I do not wish to drift into the position I feel I am drifting into as Chairman, of debating the question here and not performing the proper role of Chairman; but if I can be factual again, I can say that one may be assured that the Prime Minister in the process that he followed in leading up to this decision, did not take account of the views of his colleagues in other provinces.

DR. FORSEY: If it is going to be done at all, it seems to me it might be well to have it done very properly; and that this meeting of the provincial premiers in Fredericton (inviting the Dominion premier if he wants to come certainly);

it is in Fredericton in the summer and might be perhaps particularly propitious for it.

PROF. McIVOR: To put the question a little differently, does the Prime Minister of Ontario have reason to believe that, if he were to take the initiative in such a matter, it would be favourably received by all the provinces and the Federal Government?

THE CHAIRMAN: Well, I am ---

PROF. MEISEL: On the spot.

THE CHAIRMAN: Let me say I suspect he has no reason to doubt it. I seem to be getting more and more bogged down.

DEAN LEDERMAN: It seems to me that there are two rather separate things here and I am not clear whether Mr. Robarts may have both objects in mind. It is very difficult, as an Advisory Committee, to give any advice unless we are more clear on this, to give appropriate advice.

On the one hand there is the question of improving co-operation between governments, provincial-provincial and Dominion-provincial, in Canada. There is the problem of better collaboration, mor collaboration, more co-operation and consultation; because the affairs of these governments and the things for which they are responsible are so inter-related now in a way they were not sixty years ago. That is a very grave problem, and we have had some

illuminating discussion on this in this Committee, and we had some at Kingston; mainly pointing out that the Federal Government was conducting federal-provincial conferences on a take-it or leave-it basis. This has been a long-standing practice, but time seems to be running out on them in being able to do it much longer.

This is one thing, I presume, Mr. Robarts has in mind: he wants what you might call a more balanced inter-governmental consultative process to go on.

It seems to me this is something that must go on, essentially, in private, and the conference which is designed to get it going must go on privately.

On the other hand, there is the problem for which our political leaders have inescapable responsibility, that is, to inform the public, to lead public opinion on these public issues. That is another thing that has to be done.

Now, I think the Premier has the problem of doing both. I do not think you can do both with a conference at the top political level. It is appropriate for improving the consultative operation.

Now, if you want the other branch of the problem, the other part of the problem, which is public information, leadership of public opinion and so on, this, I think, might be government-sponsored in some way but carried on in a much more informal

level; conferences of experts, professional groups and so on, perhaps government-sponsored, helped with government money as far as expenses, which publish papers and hold public sessions and give some leadership this way to public opinion, but this does not involve the top political responsible Ministers taking public positions here and now.

Also, as the little draft I put says, there are some studies that have been done for this Committee that might be published. That is an example of the type of publications that might be sponsored.

There are these two things here, and I am still confused as to which of them Mr. Robarts has in mind in his proposal for a constitutional conference that we are being asked to look at today.

THE CHAIRMAN: He has both objectives in mind, and perhaps the very worth while contribution of the Committee would be to help disentangle them where they have become confused.

As I have mentioned, to deal with the broad objectives, there are two broad objectives in mind. One is to create the machinery, and it must be something that is new. That is one of the problems with the Premiers' Conference, as it has been limited to certain matters heretofore. It must be something that is new, and an institution to deal with or formed to deal with problems of federalism.

The other thing that worries him is the failure, in his judgment, of the public to understand not, indeed, the complexity, but the simplicity of the problem as is manifest in meetings with people all over the place, as is manifest in newspaper editorials and so on. So that he has a strong conviction there is something lacking in the public information sphere. It may well be that the solution is to find ways of separating the means of meeting these two objectives, as you have mentioned.

The conference he has in mind should perhaps follow the traditional pattern of heads of state consulting, but some of these other problems that have been raised for both involving the public and educating the public are in another realm and should be done too.

DEAN LEDERMAN: Could be quite appropriate for the Government of Ontario to pursue both lines if they wished to, but not to try to do one thing with what is appropriate for the other.

MR. GATHERCOLE: Mr. Chairman, have we any reason to believe that he will not be sensitive to these two objectives that you have spelled out? One is to educate the people as to the issues involved, and the other is to try and make some solid progress in the Federal-Provincial conference itself.

Now, whether that would involve each of the Premiers and the Prime Minister of Canada taking a

set position or not, I could not answer and I would not anticipate; but if it follows the pattern of our Federal-Provincial conferences in the past, each of the Premiers is going to proceed rather cautiously in this regard.

I do not think we have any reason to believe that the Premier, at least on past performances, is going to proceed in a way which would be dictatorial or would in any way achieve any objective than to advance the progress of a discussion or of action which might lead to a more satisfactory arrangement between the Government of Canada and the respective provinces, whatever that form may take.

In fact, the impression I have from attending a number of earlier meetings was that - and I am saying this in response to Dr. Forsey's observation - the Premier has shown more restraint than they would have liked to see. After all he is the Premier of the largest province, and they do look to some leadership on this, to present a position on some of these vital issues. I think all the Premiers would welcome Ontario perhaps for putting forward some positions and perhaps not in a dogmatic or arbitrary way but rather for consideration, so that they could be debated in the Federal-Provincial conferences as well as among the public themselves.

I am sure on this point (it is my own believe anyway) that Mr. Robarts' position at the

conference has been much more restrained and prudent than that of many of us would be had we been sitting at the conference table.

PROF. BRADY: I think, Mr. Chairman, it should be emphasized that the cultural affairs and constitutional committees this morning, when they met, together emphasized that although expressing the undesirability of a public conference, it was more the undesirability of a public conference than of a conference. This view might be emphasized in communicating the view of the Committee to the Premier; additional to that, the fact that public enlightenment about the problems of Confederation might be achieved in other ways than through a conference.

I think that a conference (private and not public) that would deal with the kind of questions that he has in mind and that you have explained this afternoon more fully than you did this morning if I may say so, namely the procedures of the governments in coping with their questions; I think a conference dealing with this type of question would serve a genuine purpose. There may be some difficulty about getting agreement, but I think it is essential to have this matter discussed, and it is just a question of formulating an agenda for this kind of meeting.

THE CHAIRMAN: Professor Brady, that commentary is helpful because I think it puts in a

nutshell the problem we are dealing with, that is to say, the vicious circle of, on the one hand, recognizing the value of the conference; on the other hand, recognizing that what it is might vitiate the purpose in turn.

I think it comes back to this, that the Prime Minister has the conviction that this is both necessary and desirable, but he is well aware of the risks, and a large part of the risks are inherent in the form and the content of the conference.

Therefore, perhaps the most important thing that has to be done before it ever convenes, is a very specific setting out of the agenda, and a long period of making it abundantly clear what it is to be about. This, as I see it, is where the Committee really comes into full steam.

DR. FORSEY: In other words, the Prime Minister has made up his mind on this, and he is going to go ahead with it anyway, so we may as well make the best of it and try to suggest some things for an agenda.

I hope we shall have a better prospect of getting a discussion directed to the agenda than our experience at Queen's last week suggests. I think this is a foolish enterprise, and I do not think that anything has been said in explanation of it to take away from the decision that we all seem to have arrived at this morning in the augmented committee, that it was a foolish enterprise fraught

with danger, and with very few benefits likely to result. But this apparently is water under the bridge, so I suppose we might as well get down to the job of saying what we think ought to be discussed, hoping to goodness something like it will be discussed and not too many heads broken in the process.

PROF. FOX: I think this is where Bill Lederman's suggestions come into play, Mr. Chairman, and that is that a prior consideration to an agenda is what the nature of the conference is. I think this is the thing about which most of us were concerned this morning, and I think there is an overwhelming consensus - in fact I think everyone is in agreement in the discussions this morning - that at the heads of state level ---

DR. FORSEY: Heads of government, please.

PROF. FOX: It ought to be at a summit level. How is that? It ought to be a private discussion, and I think we would be happier if this could be expressed to him and then I think if we were asked to do something we could resolve what it was we were going to do from then on.

However, I think this is a prior consideration of the utmost concern to us here, and I do not think it is beyond our terms of reference. We are asked for advice about constitutional matters, and I do not think this involves political

considerations so much as what we think the nature of the constitutional problem is and how it can be solved. I think it is relevant, very relevant.

PROF. CREIGHTON: I am not very clear, Mr. Chairman, as to how this Advisory Committee can help very much in offering advice to the Prime Minister if the character of the conference is such as you outlined to us in your remarks.

I gather that - and this you emphasized, I think on several occasions - the conference hoped to deal, above all, with practical questions, as far as the kind of thing that the Tax Structure Committee has been working at for all this time, and the machinery for inter-governmental co-operation.

Well, surely this is the business upon which you and your opposite numbers in the various divisions of provincial government are the people who can decide. I mean, I do not see how we can offer very competent advice on that particular problem.

I think^{if} it was a question of a conference of a general nature and problems of Confederation such as we have suggested might be discussed by groups either from the Province of Ontario or from other provinces, professional, various interest groups, on Confederation in general, I think we would be able to draw up an agenda somewhat the same as the agenda we drew up for the Kingston meeting or the agenda of any one of these large scale meetings that have been held every since the

Banff Conference back in 1964. But I do not see how we can possibly offer advice about how you might wish to continue the work of the Tax Structure Committee or the machinery for inter-governmental co-operation. I certainly would not feel competent to give any advice on these subjects.

PROF. BRADY: Perhaps the Chairman may be concrete and tell us what kind of questions in particular could be examined by us.

MR. MAGONE: We should have an agenda for the job of making the agenda.

THE CHAIRMAN: There are certain things I have mentioned and there are other things we can point to, but at the same time this kind of thing is a matter of the atmosphere of affairs too, I suppose.

If the Committee wishes to concern itself with considering the items for discussion and the way in which the conference should proceed, I think it would be most helpful. I am a little concerned about Dr. Forsey's remarks on the other hand, because I would not want the feeling that this was somehow felt to be an exercise in futility or perhaps a dangerous thing.

One might put it this way. I do not really see why, if the inter-provincial Premiers' conference has been a highly productive mechanism for the last six years in dealing with matters that involve inter-provincial problems, why such a continuing

conference on federal-provincial problems should not be equally productive. Looking at it in a sense of a practical meeting of minds, I must say I am not clear where one feels that there would be a lack of purpose to be served.

PROF. FOX: It is the public aspect, Ian, that concerns us, I think.

THE CHAIRMAN: Can we strip that off for the moment?

PROF. FOX: If you strip that off ---

DEAN LEDERMAN: But what assumption are we making when we strip it off, that such a conference would be private; that at the top political level the conference would be private, as indeed they have been in the past? The Inter-Provincial Premiers' conferences have been private. I mean, if we make that assumption you can, of course, discuss the agenda and all the rest, but if we remain uncertain - I do not think anyone here is opposing the conference at the top political level as such, but what we are saying is we think that if there is to be such a conference, to be useful it ought to be private, as indeed these conferences have been in the past. By contrast to that, we are saying that the public education or public information function arena or procedure ought to take other forms. It should not take the form of opening a top level political conference to the press galleries.

DR.FORSEY: Even if you announce beforehand and even publish the items that you are going to put on the agenda of the Premiers' conference, let us say, you may well run into the same kind of problem because, as I said before, you have enormous expectations on the part of the public, and swarms of these pestilential newspaper people gather around and sniff out all sorts of things, so that you actually get most of the disadvantages of a public conference.

It seems to me that if the Prime Minister wants to do a job on public education, he can tackle the thing in another way that would be much more productive.

If he wants really to have the discussion at the top political level, then the best thing for him to do, I think, is to go quietly to the conference at Fredericton, ask Robichaud to put it on the agenda, discuss it there, without a whole lot of preliminary whooping it up. This is the thing I am afraid of.

You announce that the Province of Ontario is going to take a great new initiative and so on, and there is a tremendous splash about the whole thing and then you get into all kinds of difficulties. The thing to do is to play it first of all, it seems to me, in a low key; that the public information side of it is another thing.

MR. GATHERCOLE: Mr. Chairman, may I make two observations. One is, I think it is well - and I assume this would be the case - that the observations and recommendation that Dean Lederman referred to would be made available to the Premier for his consideration, as other recommendations are.

In the second place, in response to Dr. Forsey's comments, it is my belief that people have obtained sufficient experience over the years that they realize miracles are not accomplished at these conferences, and that results take a very considerable length of time to achieve. I think they have learned a good deal of patience in the process.

Frankly I think, of course, it would be a mistake to build up false expectations, but I am confident of this, that the people are not going to draw out ^{of} some simple announcement, if there is one, that this is going to accomplish a result that everyone has been struggling with for a number of years, and accomplish that in a very short time.

DEAN LEDERMAN: Mr. Chairman, I think there is certainly a point at which the public and the newspapers are entitled to be in on it in the fullest sense. I mean, we are ^a democratic country and this follows.

Your top political level conference, if it is private in its sessions, nevertheless if it has

reached agreements, they can announce them and explain them and there will be a process of public education again at that point.

Certainly I am not opposed to top level conferences or to statements and explanations of them when they have agreed privately on something. They can be publicly announced and publicly explained.

PROF. McWHINNEY: I was going to say, Mr. Chairman, that there was a very valuable discussion in the combined meeting this morning, and I think there was a very clear view that what was involved probably were two different functions which, in terms of thoughtful planning, can conveniently be separated. That is to say, if you wish, the policy-making side at which you go in for constitutional novation or re-examination, should be separated from the public education side; that there are two different functions and they should be approached separately.

I would be sorry, however, if any impression emerged that the full Committee was unanimous or had even adverted to the issue of the usefulness of a policy discussion on constitutional novation.

I personally think it would be tremendously valuable for the Premier to take an initiative of this sort. It seemed to me it is almost a logical consequence of the position that he has taken in the

Tax Structure Committee. There are some positions on economic matters that pre-suppose a constitutional dialogue.

I agree with my colleagues that the thoughtful business of making law is best conducted in private and therefore the summit type of meeting through provincial Premiers or Dominion-Provincial Premiers Conferences is the better approach.

If the Premier felt - and this is quite clearly an area of his political judgment - that he wanted to conduct it in public I would certainly try and give him the best advice as to how to do it in public, even though privately I felt it should be in private.

I know the Committee felt in terms of the private aspects of the work that they should give very strong technical advice to the Premier on this score, but in the end the judgment is his.

On the public education side, again, it seems to me the full Committee properly indicates from its technical experience, study of other systems and general background, what the limitations are to particular approaches.

However, once again, I think it is the Premier's decision, the issue of the political wisdom or not is his judgment. To that end, I think, I certainly would, if he followed a particular course of action, I would certainly do my best to advise him

in implementing this; but let me repeat again on the first point, constitutional dialogue, I personally very much support this. I think it logically follows from the positions he has taken in the Tax Structure Committee.

I would not want it to be felt that the proceedings of the enlarged committee this morning and their concensus, as it were, that this excluded individual positions such as my own. In the end, as I say, I recognize it is his judgment as to how he wants to proceed.

I would repeat again that if he wants to conduct the policy-making type of discussion I think the Premiers' Conference, Dominion-Provincial Conference as such on a continuing year-to-year basis, is the proper arena, but it is best to be conducted in private session.

As to the public educational function, I agree there are political dangers in various methods of informing the public, as distinct from policy-making, and it seemed to me my function has been one of indicating pitfalls in various approaches; and if the Premier in the end makes a decision to do it, then I think we should certainly help him in working out an agenda.

PROF. McIVOR: I would assume, Mr. Chairman, that the weight of the judgment of this Committee is to recommend that the top level policy conference be

held as a private conference; and then I think there is indeed a substantial area in which we might usefully contribute advice to the Prime Minister, in terms of the form and the coverage of the agenda that might be pursued on such a venture.

Viewing this whole thing primarily from the interest of the Province of Ontario, I think this is an area to which we might direct ourselves in the next short while and try, as Dr. Forsey says, to set up things in a way which would enable us to come more effectively to grips with particular issues, than we seem to have managed to have done in Kingston last week.

THE CHAIRMAN: May I attempt to sum this up in this way. I say in advance I would be very unhappy to leave this room and know that certain matters bearing on Confederation were in the mind of the Prime Minister and to feel that this Committee was unhappy or strongly opposed to that.

As I followed the discussion, there seemed to be three strands to it. One is the importance of this conference, if it were held, being private. The second is the importance that if it were held and held in private, the utmost care be given both to conditioning the country, so to speak, as to its content and purpose, and to preparing carefully the agenda and the nature of the meeting; thirdly, the Committee is interested in measures and initiatives

designed to serve a wider public education function.

Now, I take it that that accounts for the various issues under discussion. The one point of uncertainty in my mind is whether the balance of opinion on the first point, which in a sense is the decision that the Prime Minister has taken to suggest discussion of a conference and we will presume this is intended to be a private conference - whether the balance of opinion here is in favour, or indifferent or opposed or what.

PROF. MEISEL: I think, Mr. Chairman, there is probably one other point of view that the augmented constitutional committee felt this morning, which bears on your last question. That is, that I think we felt quite strongly that whatever form the announcement takes, the form in which all this is put to the public ought not to incite great expectations that anything that this conference or series of conferences can do can really solve very much in a short period of time. In other words, we were concerned about expectations being built up, which would then be disappointed and would leave you in a worse state than before you started.

PROF. McWHINNEY: You should add to that the very important point I think you made, or Paul Fox made. The second point was the issue of secrecy or issue, if you wish, of the formal nature, which was handled quite elegantly and properly by focussing

on the Dominion-Provincial Conference, because by nature and past experience they are private. Therefore there would be no issue of suddenly excluding the press or anything else. One would be functioning in established arenas with an established practice. I think you made this point and Paul made this point very effectively this morning. In terms of the policy-making approach, this is the proper arena and it is properly private.

I think this adds into your suggestion, which was certainly one of the affirmative factors in the Kingston conference: that the low key approach that the Prime Minister has taken in his approach is a useful one to continue - the avoidance of trumpets and charges, alarums and excursions.

DEAN LEDERMAN: You should remember, and I refer to Craig's remarks about the agenda at the Kingston conference, that really was designed, the agenda at least as far as our assumption was concerned, to draw the Quebec people out, and give them a chance to say what they wanted to say, because one of our objects was to hear their attitudes. An agenda designed for this purpose, you would not necessarily design an agenda in the same way for a conference of this type we are discussing now.

PROF. MEISEL: One of the things that still bothers me a bit is that if I understood one of the points you made earlier, Mr. Chairman, correctly, you

were suggesting, I think, that there is a possibility that the Prime Minister may introduce into the Throne Speech a note which would suggest that the Legislature will at some stage during this Session discuss a conference.

We discussed what sort of conference might take place and what its topics would be, who would attend and so on; but that there would be a sort of constitutional discussion preceding the conference held within the Legislative Assembly of Ontario, if that is the case, I think that is dangerous.

THE CHAIRMAN: Again, whether it is Confederation or anything, I would have very strong reasons for not wanting to get into the position of advising the Prime Minister in the conduct of the Legislature, as a political matter, because he has a responsibility for the procedures and practices of the Legislature and I dare say perhaps we should let that ---

DR. FORSEY: Certainly. Everybody knows that this is his decision. He is far more experienced than myself or all of us. On the other hand, the possibility did occur to people's minds this morning that he might suggest the setting up of a Legislative Committee.

If a Legislative Committee were set up, it is perfectly possible that we should be collectively or individually summoned before it. There was a

very strong opinion this morning that if that were done it would have very grave dangers in it.

Now, I think if we are going to advise the Prime Minister effectively and usefully, it is perfectly relevant and proper for us to mention this opinion to him and say: "If this idea should have occurred to you, we see such and such difficulties about it". He can put everything we say right down the drain any moment he wants to, this is quite clear; but I do not think there is anything improper in our making observations on the dangers of certain possible procedures, merely because the decision rests with him and merely because our opinion on the subject might not be very valuable and it may directly concern us and our conduct of affairs in this Committee and our usefulness as a Committee and the possibility of all of us staying on the Committee.

These are points that were raised this morning. I think we should be quite firm with the Prime Minister and say: "If this idea comes to your mind, here are certain points about it which we think are relevant and we think you ought to know about, our opinion about it".

PROF. McWHINNEY: He would not object to the stating of your last point in this sense, I think, that it was less than a statement of dangers. It is really a statement of conclusion that it would raise

issues of relationship of a Legislative Committee to our Committee. This has arisen in Quebec.

The question whether it was desirable or undesirable, I do not think we tried to put this, you or anybody else, this morning.

DR. FORSEY: And we do it all most respectfully and deferentially, merely that here are considerations you ought to have before you. There are many opinions we might give him or advice that he may argue on for good and sufficient reason and he will say it has not political and practical value to these enquiries anyway if it is remotely connected with our duties.

PROF. McWHINNEY: He might make the decision which in fact Lesage made, that it is worth the inconvenience of having a Legislative Committee and special committee functioning in fact side by side. That would be a perfectly proper decision and our function, as you say, would be perfectly proper to indicate such a relationship would exist and it may involve issues of jurisdiction and the like.

PROF. BRADY: This is very common practice, civil servants advising Ministers, sometimes to warn them of the dangers of pursuing a given policy. Indeed, they are very helpful to do that.

THE CHAIRMAN: I have heard absolutely no suggestion of a Legislative Committee in Ontario, and I do not expect to hear one. I do know, however,

that the Prime Minister feels that the Legislature is entitled, as the Legislature, to debate the question of Confederation, although he has had some difficulty in the past trying to work out what is it you debate.

PROF. McWHINNEY: Pardon my ignorance, and Paul Fox will undoubtedly answer the question, but are there standing committees in the Legislature - is there a standing committee on the constitution, for example ?

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THE CHAIRMAN: No, there is one on education. Ray, you would know better than I.

MR. FARRELL: Ten committees. Education, Wild Life, Forestry, Legal Bills, etc.

PROF. McWHINNEY: There is nothing relevant in any close sense?

MR. FARRELL: None I can think of that would be quite apropos.

PROF. CREIGHTON: There is one other point I would like to make, Mr. Chairman. We have been assuming, members of the Advisory Committee, that this union of the cultural and constitutional committee which met this morning, that the conference proposed by the Prime Minister will not be a conference outside either of the two series of Federal-Provincial Conferences or Provincial conferences. We have been assuming that it will either be in the provincial or the Dominion-Provincial, Federal-Provincial series.

Yet I wonder whether, even if it is one of those, either one of those two series, you get away entirely from the kind of difficulty which you have been talking about -- the difficulty of raising expectations which will result in frustrations and disappointed hopes.

How can you make much of the idea unless you announce the subject will be taken up, say, at a Provincial conference or at a Federal-Provincial conference? And, don't you then rouse curiosity and expectation, perhaps risk of frustration and disappointment, just as much as you would have done if you had created a new institution outside of both of these sources?

Certainly I would imagine the public interest and curiosity would focus upon this particular conference to a degree that had never been present before quite; and it would seem to me very difficult in some circumstances for the Province of Ontario or any other province to withhold a certain measure of information about results. I don't know, I am speculating about all this.

DEAN LEDERMAN: I am certainly in favour of the Legislature performing its traditional and proper function. In fact, in this paper which has come before you on the process of constitutional amendment, in trying to put aside the question of a special constituent assembly as undesirable, I then

go on to say that if views should come forward and I see public debate and discussion taking place in legislative and parliamentary sessions and before parliamentary committees and in other ways, I am certainly not opposed to public debate in proper and traditional places and none of those are; but, of course, when one refers to responsible government one is referring to the Cabinet, responsible Ministers, and to the fact that there is a realm where privacy at least for part of the process is important, important to arriving at a solution which of course then has to become public and to be explained.

DR. FORSEY: Perhaps we have gone as far as we can get at the moment until we have to draw up an agenda. I should think the Chairman must now be in possession of the views of everybody here on the subject.

MR. MAGONE: Whatever they are worth.

THE CHAIRMAN: The only problem would be, I would think, to try to sum up and represent them fairly, where there are, I think, overlapping issues here.

I think the issues are perhaps the three I mentioned, and then the additional one that John Meisel raised; the first being the private versus public matter of the conference, and I take it everyone is agree that such a conference is better private than public.

Secondly, if private, what specifically it is designed to do and to discuss. Thirdly, how one avoids false expectations or incorrect expectations. Finally, how one deals meanwhile with the question of greater facility for public expectation or public discussion.

I think that if one proceeds from the assumption that the Prime Minister wishes to encourage such a meeting, that your views are uniformly that it should be of the private character and of the head of government kind.

Then I say it is very much our responsibility to grapple with the last three points, to prepare on the last three points the agenda, the dealing with them, of setting up false expectations, and the importance of dealing with public discussion, public education. Is that a reasonable assessment of the state of affairs?

PROF. BRADY: Presumably in the agenda would be the examination of Federal-Provincial conferences.

THE CHAIRMAN: Yes.

PROF. BRADY: As to how they operate and how they might operate more effectively.

THE CHAIRMAN: I think the product of your work there would come into its own.

PROF. BRADY: There is not any work completed yet.

Prof. McWHINNEY: I take it also substantively

the sort of thing we were discussing in the economic area at Kingston and that we have discussed in this Committee: surely the issue of the taxpayer and tax resources would be very basic. In a way the agenda almost selects itself, the priorities certainly.

THE CHAIRMAN: As I say, I think we have some time to deal with that, and who knows where the thing may go in the next few days. We will see. Perhaps we should get on and get back to the Kingston meeting.

Now, I hope that some things might have arisen at that meeting that would sharpen the picture of our work. My own yardstick of assessing that meeting was what I take to be one of our principal purposes, which was to demonstrate to those in influential positions in the Government of Quebec that there were firm views and there were varied views by informed and influential people in this province; but I would be glad if we could bring together now some of the conclusions that others derived from that experience.

I am rather intrigued by your feeling of despair, Eugene, about it all.

DR. FORSEY: Shared by Ron Burns and Donald Creighton.

DEAN LEDERMAN: I don't think Mr. Burns' attitude was of despair, was it? He did not

express it to me.

DR. FORSEY: I took it that he was depressed by it, that it was a bit disappointing. I have forgotten the exact words, but to say how totally out of touch with reality they were. This didn't sound to me like an expression of optimism.

PROF. McWHINNEY: I think there was a difference that we had expected beforehand that certainly affected the results, a difference, if you wish in what I may call the skill component in each constituent unit. One group was the predominantly academic or communication area. The other was, if you wish, often former academic or civil service functionary, and the approach to that dialogue is a little different. The professorial tends to elaborate a point and develop an argument, and the evidence definitely lead on to the conclusion.

There was a staccato aspect to some of the points made by our Quebec confreres that was perhaps not sound economic policy, but it was in a way more interesting because the policy preferences were much more purely exposed.

I think one of the difficulties in academic discussion is that you often have to listen to a long speech and ask a question to find what the man wants. In other words, the conclusions were often put at the beginning instead of at the end. I found it very refreshing in that sense.

I was struck by the extent to which the

phenomena that I think has occurred in the cold war (in the international sense) that is being reproduced here. It seems to me a progressive de-ideologization of the dialogue.

I was struck by the extent to which the legal issues became subordinate to the economic ones, and I think maybe this has always been the reality of the dialogue, but certainly there has been a very impressive superstructure of the ideological debate up to date. This part at least I felt was either suppressed or indicated very clearly as jettisonable.

I asked Mr. Morin afterwards, since I had pulled him off on the issue of secession and he had seemed in the public confrontation to be a little perhaps - well, we were talking about it later and he merely said to me that he felt he wanted to stimulate discussion by leading with a provocative point there. I said "well, don't you think, as a professional economist, you should leave this sort of thing to the lawyers or other skilled occupations? You were very impressive on economics". He said, "That is what I am concerned with".

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I thought that confirmed the trend that I think is here and one notices in the Quebec press, that finance^{is} the key, economics the key, and some of these other issues that seemed important may be disappearing.

Certainly I think we are all benefitting by the lowering of the key. I wouldn't exaggerate the

point, but in terms of understanding the psychology of another party and the dialogue I thought it was tremendously valuable.

As I repeated to you, Mr. Chairman, this morning, the effect on our Quebec colleagues was very impressive, because a number of stereotypes of the most crude, old-fashioned form, were destroyed in Quebec, some reactions to particular people, that I think the Quebec colleagues expressed to me surprise and delight at the personal charm and affability and wide range of eclecticism, including literature, about the disciplines, as if it was expected that we did not open books other than law books and economic texts. It is not an inconsiderable result. The personal dimension is very important in these things.

I would add to that the earlier comment that I was impressed by the extent to which economic arguments were taking over, because I think this is now the view of people like Morin and that this is going to be the key to the debate.

PROF. McIVOR: We predicted this a year ago in our sub-committee.

PROF. McWHINNEY: You are prescient and very marxist, if I may say so.

PROF. BRADY: There is one point, Mr. Chairman, that the cultural affairs committee briefly talked about this morning, and it relates to the

cultural exchange that Ontario has sponsored, and sponsored quite concretely by voting a couple of hundred thousand dollars to further it. Some of the people from Quebec were a little disturbed over the fact that there was no follow-through on the part of Ontario; there were no concrete plans as it were, outlining what kind of exchange that we are interested in or when the exchanges should take place. That attitude struck members of the cultural affairs committee as something that we might pay attention to. In other words, this cultural exchange must be followed up with some concrete arrangement, or perhaps a concrete agreement with Quebec about the type of exchange which might be made of utility for both provinces.

DR. FORSEY: Well, the poor old director has only just been designated, hasn't he? What do they expect? You can't do very much until you find a director, and I cannot see that five minutes after he is appointed he should produce a complete scheme for the re-making of heaven and earth in the cultural field.

DR. BRADY: I think that is a fair comment, Eugene, but it seems to me this point of view suggests that we should not forget about it.

DR. FORSEY: Who is going to forget about it? I think it was a very high priority appointment. I thought there was agreement already. I understood

the government had exerted itself very strenuously to find a suitable director and if not actually appointed he was in the process of being appointed; but, I should suppose, give the poor devil a chance to get his breath and draw up something.

This is another example of the curiously frivolous and irresponsible character of some of these people, and adolescent attitude.

PROF. MEISEL: I think Dr. Forsey should remember that it took us a year to find somebody to look after this.

PROF. CREIGHTON: Did they have anything to propose?

PROF. MEISEL: Yes, I think Mr. Fregault, while he did not specify particular items, did say that if the two provinces wished to start some scheme of cultural exchanges, he thought that this would have to be put in the form of some specific agreement, which I think was a hint to us.

PROF. CREIGHTON: Yes, but I don't think he made any concrete proposals at all about the kind of exchanges which he would like to see. It seems to me the unfortunate feature is that they sit back with folded hands waiting for us to propose things, and they can do nothing in return.

PROF. McWHINNEY: Who was it raised it? Was it one of this delegation or the committee who raised the issue of using the young teachers as

charge d'affaires?

THE CHAIRMAN: That was Louis Bernard.

PROF. MEISEL: Bernard mentioned it.

PROF. CREIGHTON: It was completely rejected.

PROF. MEISEL: No, somebody had pointed out earlier that Quebec had its own teacher problem. It was Bernard who later on said that if Quebec thought that Ontario was really making serious efforts at this business of language teaching, that some exchanges of teachers might be worked out.

The other concrete suggestion that was made (and I think you had left by then) at the very end they mentioned the possibility of Quebec and Ontario undertaking some sort of joint scheme of training civil servants. So there was nothing terribly concrete, but there were some hints at various things, which I think we ought to pick up.

THE CHAIRMAN: May I just add a word of factual comment on one matter that affected the cultural exchange agreement. Following the election in Quebec last June it appeared for a while that there was some uncertainty about the future of two events as far as the Government of Quebec was concerned. In the first place the two Ministers of Education of the two provinces had worked out a joint inter-provincial conference on education which was to take place in Montreal last September. Then

there was a cultural exchange agreement. Following the election in Quebec in June, some suggestion filtered back here that the new government perhaps was not as enthusiastic about either the meeting on education or indeed on the cultural exchange agreement.

The Minister of Cultural Affairs, Mr. Tremblay, is one of the noted, declared separatists of the Quebec Cabinet. Consequently it is my understanding that our Minister of Education made a special visit there and met with Mr. Bertrand, the Minister of Education in Quebec, from which was resurrected once more the conference on education, which did in fact take place quite successfully, and our Minister did a little bit of selling about the importance of the cultural exchange agreement.

I just add that as a contribution to what transpired in these last months.

DEAN LEDERMAN: Mr. Chairman, I think a most useful sounding of opinion came right at the end. I recall you mentioned we would hope for something in answer to the National Capital District proposal and it didn't look as if -- I didn't feel I was going to be able to direct them to it as Chairman. Then Mr. Robichaud brought it up and, you know, I started out thinking that the full-fledged National Capital District proposal was a natural thing and it looked very good as something to do and

promote.

The first hesitation that struck me was when I heard Mr. Seguin describe what this would do to the French-speaking Ontario organization, that it would decapitate it and so on, and make things very difficult for the French Ontario organization. That slowed me down.

Then hearing the comments and the responses on the question, even in a very few minutes, from this group of key civil servants from Quebec, that they didn't attach the importance to it that I felt they would at all.

So the present position, I am thinking, which may again change, is that something more modest than the full-fledged Capital district will do.

The other thing that impressed me was that they were a pretty pragmatic lot of people - very able people obviously and very pragmatic. I see a lot of hope in this actually. If they are pragmatic enough, arrangements can be negotiated and compromises made. That is my overall impression.

PROF. MEISEL: Mr. Chairman, I think one of the interesting benefits perhaps, of the meeting (a minor one) was that Paul and I had a long conversation with one of these chaps one evening, and it appears from what he said that he had an impression that the Ontario public service was one of the most finely honed and most brilliant public

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services in the world; and that whenever Ontario failed to perform something in the most impressive manner, this was a sign of ill-will rather than anything else, because they had a superb machine ready to leap. I do not think Paul and I were disloyal when we suggested that occasionally at any rate it was not lack of will but the lack of machinery that prevented Ontario.

DR. FORSEY: This may be one of the things that made Ron Burns make the comment that he did to me.

PROF. McIVOR: Dr. Forsey, if you have diagnosed Ron Burns' cause for disillusionment correctly, about how out of touch with reality they really are ---

DR. FORSEY: That is the term he used.

PROF. McIVOR: Perhaps our great mistake, where we are subject to criticism, is not that we undertook to promote this affair but that we had not done it very considerably earlier.

DR. FORSEY: I am afraid I cannot always share your pathological optimism about what appears to me to be most uncompromising material. It is possibly just a sign I am older than most people here and more disillusioned and less mentally active, obvious and regretful signs of mental decay. I don't know.

PROF. FOX: You were doing all right until you got to the end.

DR. FORSEY: I hope you are right.

THE CHAIRMAN: You must never forget what Churchill said in the second volume of his memoirs: "I looked up at the skies and saw the horde descending and thought what a wonderful exhilarating feeling it is to have the responsibility of turning them back".

DR. FORSEY: I have seen some of my direst predictions more than fulfilled. That convention of the N.D.P. perhaps gave me a jaundiced view of things.

THE CHAIRMAN: One point I was most interested in, and it is the reason I wanted to get the National Capital thing on the table, because I detected throughout a confusion here. On the one hand there was the urge that Ontario and the English-speaking communities should do something spectacular; yet here, for example, nothing could be more spectacular than this surely, and when it came down to it I was left with the feeling somewhat that the group perhaps was not at all interested in the French-speaking nation as such and the rest of Canada as such but was principally interested in events concerning the Province of Quebec. I think if you were true to the ideal, if you were looking for something spectacular and I said: "We will give you a National Capital District fully bilingual and bicultural" what could be more spectacular than that?

Uncertainty at the best, and indifference or opposition at the worst, to that whole notion was rather disquieting to me. I don't know how the rest of you felt.

PROF. CREIGHTON: It was very disquieting. It was perfectly apparent they did not believe a National interest existed in this country.

PROF. McWHINNEY: There is the other hypothesis which Craig was referring to. Symbols are only important if you are not looking to the substance, and if you decide the substance is economic and financial power and the like, why bother with symbols?

I think you are right in your diagnosis. I was not excited by the National Capital District, and in a way it confirms some doubts that some of us had listening to Rowat. It seemed to me he was really concerned with promoting legal reforms and using the National Capital District as a vehicle for this.

I was interested to find, like you, that this was a very low priority issue in terms of Quebec feeling, and I assume that there is no especial point in the Premier losing sleep over it.

PROF. CREIGHTON: It is true that Fregault was apparently the only one who was disposed to write off the rest of French Canada outside of Quebec and therefore the rest of the Canadian nation. The rest made no

DR. FORSEY: In fact one of us asked Morin what he thought. I thought he was very frivolous and silly in his reply. He questioned in effect whether there was a national interest. Where is it, what is it?

Surely the point Ted makes about their being interested in the economic substance, fits rather ill with the whooping-up they make about the French-Canadian nation and their right as French-speaking people to have everything in French and all this. I do not think they can very well have it both ways.

PROF. McWHINNEY: Unless it is jettisonable superstructure in marxist theory my feeling is, as I put earlier and which I think Craig confirmed, that it was increasingly superstructure, and that the reality that was to be discussed was the economic issue, who gets what, when and how.

DR. FORSEY: Then again, why do they want to have Article 26?

PROF. McWHINNEY: As I said this morning, Morin said he pushed that in to make the discussion lively. It got too dull, he said with a smile.

PROF. MEISEL: I think Professor Creighton touched on the very heart of the problem, and the subject that he isolated there, I think, is the one that is the most interesting about the whole Kingston meeting. He was saying he was not very encouraged

by the ---

PROF. CREIGHTON: I was terribly depressed.

PROF. MEISEL: --- by the lack of interest in the nation, in the country as a whole, and I think this is correct. I think that one of the things I find very interesting in my contacts with French Canadians is precisely this present focus of attention on what goes on within French Canada, and the fundamentally changing attitude to the rest of the country.

I think our job in this Committee is to be aware of the changes that are taking place, and to assess them as realistically as we can.

My reaction to all of these chaps, except for Fregault, is that I think they have an interest in Canada. It is a different interest from that their fathers had, and it is a different interest from what we had, but it is still an interest in some national existence beyond that of Quebec and French Canada which is the thing that really excites them most now, and I think it is our job to promote this and to stick together long enough for their particularly vehement sort of parochial interests at the moment to spend themselves and find new channels of expression, so that in the long run such interest as they have in something which is French Canada can be re-kindled and give greater viability to the country as a whole. It seems to me having

these kinds of contacts we can make a more realistic assessment of this thing and then act accordingly.

PROF. CREIGHTON: It seems to me that you and the other people who agree with your position on on this, have always tended in the past to strive to make other people believe that in its essentials it is possible to appease or satisfy the demand for provincial autonomy by concessions inside the nation as a whole. It seems to me that the Kingston meeting effectively disproved that central idea. It is not possible. It really doesn't matter what is given in the nation as a whole: it will not satisfy, and they do not want actually bilingualism, biculturalism, a united Canada - they want a separate Quebec.

DR. FORSEY: And they will attach to their separate Quebec such conditions as will enable them to suffer least by separation.

PROF. CREIGHTON: And inflict the most damage on Canada.

DR. FORSEY: This is the focus for making its demands.

PROF. FOX: Let us take this at its minimum terms, that essentially the alternatives are two-fold. Either we can accept separatism and we go our separate ways and we say there is nothing can be done about it - and I simply cannot accept that.

PROF. CREIGHTON: I can't accept it either.

PROF. FOX: Or the other view, that this is the way the world is, this is the way the people talk. That is why I have been most interested in the news, because it is not as bad as it might be and there is a glimmer of something, not much, but this is the way it is and I think we may have to divorce ourselves from hope of something that is non-existent and the injury we feel because they do not share our point of view. Otherwise it does not work at all; there is no point in going on. So we take what there is and try to make the best of it, and maybe it will not work. It is a risk, there is great risk, but what else can we do? We are stuck with the situation in which these are the facts of life, and a third of the people feel this way in the second largest province.

PROF. CREIGHTON: Not a third.

PROF. FOX: Well, six million out of twenty.

DR. FORSEY: There is a considerable non-French population.

PROF. FOX: Here I think we are quibbling.

PROF. CREIGHTON: If you want to talk about percentages, let us talk about the right one.

PROF. FOX: What do you want to do? Do you want to take the fact ---

PROF. CREIGHTON: I want to maintain the existing system.

PROF. FOX: You can't do it. I don't see

how we can have a holding operation at this moment.

DR. FORSEY: It is going to be a very strenuous job, but here are people from whom, from their background (I assume they have been in the Dominion service) you might have expected a rather less parochial view, and it is depressing to find at this time elected and modern technocrats who have been around and seen other people and can talk in another language than their own, having this parochial outlook on things to the extent they have.

I would go a long way to make a distinction between Quebec and French Canada. I would go, in order to make the French Canadian feel at home in the whole country, much further than the average English Canadian can. I would not go very far at all to make concession after concession after concession on vital matters for the aggrandisement of the Province of Quebec. I think this is where we have a holding operation, and I would keep on insisting.

All I am saying about Kingston is that I found it dreadfully depressing that from these people, who have been something like the cream of the crop and have been touted time without number as being so modern and so progressive, so far ahead of the Dominion civil servants, that these people should have this dreadfully parochial view and so little conception apparently of our attitude and our

mentality and so little interest in it fundamentally.

PROF. FOX: Do you really think their view is that different from an equivalent group that could have gotten together from British Columbia? Do you really think that the problem is basically and completely Quebec, or is there a change coming over the whole nature of the country which we have been aware of in our discussion of the problem of provincial tax-sharing and so on? These two problems are intermingled, and I believe we are going through a different phase of Canadian history and the Quebec issue makes it acute.

DR. FORSEY: Is this the wisdom which ties in with the Liberal party and its hangers-on?

PROF. FOX: I am not a member of the Liberal party but I am concerned about the future of the country.

PROF. CREIGHTON: Who is not concerned about the future of the country?

PROF. FOX: At any rate, what can we do?

PROF. CREIGHTON: I am saying things to do.

PROF. FOX: What?

PROF. CREIGHTON: Maintain the situation we have right now.

PROF. FOX: If you make no change, I think it will crack.

DR. FORSEY: I have said a lot of things I would do, but they do not mean the aggrandisement

of the Province of Quebec.

PROF. FOX: it doesn't involve the aggrandisement of Quebec, but we are talking about some things of mutual interest and these are not solely for the aggrandisement of Quebec. This may be for the aggrandisement of Ontario.

DR. FORSEY: We were talking economically, I thought, about our impression of the parochialism of these people, through some of the things they want, more money for the province.

PROF. CREIGHTON: Everybody wants that.

DR. FORSEY: Certainly, and this talk about British Columbia makes me tired. "Wacky" Bennett and other people from British Columbia may talk about what sounds like the same sort of terms as the Quebec people but it is essentially a different problem. Everybody knows this. There is not the slightest chance of "Wacky" Bennet or any of his officials coming to a meeting and saying: "We want a section in the constitution to allow British Columbia to secede at any time". You haven't got the dimension of language and culture in the thing at all. I just get tired of this.

I am sorry, perhaps I said "Liberal party and its hangers-on". I might just as well have said N.D.P., some of the Conservatives as well.

PROF. McWHINNEY: Particular examples, as such, may be a rare thing in past Canadian history,

because undoubtedly the constitutional stereotype, federal stereotype has been shattered, ideal image of the country. It is certainly not unusual, not in national states, I think we would all agree, and there is an advantage in having people quite cold-bloodedly saying what they want, if that is what they are feeling about. The whole philosophy of the English-speaking legal system, after all, is a pragmatic one these days, and it rests on people identifying their interests very clearly without too much ideological superstructure, and rests on this basis of balanced interests. You do discuss the conflicts. I do not think it is an important situation for a federalist to be in, to have to deal with selfish or parochial people, even assuming that is a correct identification. It is still a situation that a sophisticated legal system can handle.

It does involve, though the sort of process that Donald was speaking about. You have to say: "I am awfully sorry, in this case I do not go for these things. These things I will discuss"; but that is the sort of thing that has been going on for a longer period of time in this country than the bicultural debate.

In a way, you see, this old federal stereotype of Canada in which a national interest was consistently seen by all people is really not true of permanent federal systems at all, if it was ever true of Canada. The only sort of federal

system in which it is true is one that is essentially very homogenous and therefore not very real in the federal sense, such as Australia.

That the Quebeckers are debating the Hungarian attitude is not necessarily surprising, nor is it necessarily a matter of saying for the rest of the country that it has to be so. Hungarians can be handled and can be contained.

In some ways I was pleased that the Quebec positions were verbalized by Quebec with so much freedom from equivocation, and so much freedom from ideological trappings. We have at least passed the stage at which Stalin used to make speeches before saying just what he wanted. When we get to the stage that the Russians did, this is where co-existence becomes possible.

I felt there was an advance in the debate, even if it is only an advance, to a sort of Ausgelich of 1867. When this sort of verbalization of the situation adds to the machinery of compromising, then it might seem simple to accept the fact that the original Founding Fathers conception does not exist any more.

PROF. McIVOR: Paul, I think the question I am going to ask you relates to the sort of judgment that is formed in response to questions that were directed to our Quebec guests in the economic area, where, I am bound to say, I could perceive very little

genuine concern on their part with the national interest as contrasted to the purely provincial interest.

You said we have no choice but to conduct a holding operation in the prospect of better things to come, but just in what specific way do you derive encouragement from this operation, in the sense that you saw a clear indication that they were concerned with a national rather than a purely provincial or much less even French Canadian interest?

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PROF. FOX: I am going to give a two-fold answer to that. The first is about when Eugene brought up the point of their being adolescent, because I thought this, far from worsening the argument, added to it, and mutual discussion may lead to a parochial reply. One of them told me later on it was their problem. He said: "I cannot say it here, but we have an inferiority complex".

I would draw an analogy to a family in which you have got your teenagers, your young people who are coming into their own and who want to do something, and they do not acutally have that much concern for the family any more; they are more concerned with themselves, their careers and what they are doing. There is not in that sense a family interest at that stage, or it is minimal. This is the period we are in with these people in Quebec. They are young, they want to go their own ways, and they have their

ideas, and they are wrapped up in their common culture.

What does a family do in that situation? They do not give them up or refuse to listen. They try to get together and make some sacrifice; they accept the fact that there are new ways of thinking. I am talking about the family that is wise and trying to maintain some kind of family pattern.

PROF. McWHINNEY: You are suggesting that they in fact do have no concern with the national interest in this particular stage?

PROF. FOX: I think I would agree that mostly they have some, but it is minimal. The point was that we assumed the national interest was separate from the provincial interest. The remark that somebody made from French Canada was : "Why can't you have a national interest which is not purely Dominion or Federal only but national interest?" It is a compound of the provincial interest and the national interest. This was the reply they made.

As an intellectual person, I think it is reasonable. It may well be fallacious, but one should examine it and say what is it worth? Let us see what it means. I think that encourages the fact that at least it is thought out; it holds it to that level. Maybe for our era this is the concept that will be followed in provinces other than Quebec.

PROF. CREIGHTON: It assumes that some of the provincial interest is not national interest.

PROF. FOX: Yes, some of the provincial interest is not national interest; there may be national interest plus, but the national interest is not solely federal interest.

PROF. CREIGHTON: In other words you just add the interests of each province together and you get a sum.

PROF. FOX: No, you get an aggregate in that they are part of the per se federal interests, but the total interest is not purely federal government interest.

PROF. McIVOR: Why argue that point?

PROF. FOX: Because, you see, the direction in which the argument runs frankly, there is a national interest by itself which is opposed to the federal interest.

PROF. McIVOR: Not opposed, simply supplementary.

PROF. FOX: Then it is a matter of degree so significant that you cannot even consider changing the component of the federal interest. Suppose federal interest is that, what are the portions of that that are made up of the federal government interest and the aggregate of the provincial interests? One could argue, what this argument now is, the aggregation of the provincial

interest is expanding and the federal interest for the moment is contracted in the total national interest.

PROF. McIVOR: I should think perhaps it is simply put in the form that you are not guaranteeing that the national interest is going to be served by simply having every provincial treasury being an individual ---

PROF. FOX: That is true, but the question is what are the relevant proportions of the total provincial interest and the exclusive federal interest in the total national interest? Do you see my point? What does national interest equal? What they were saying, it does not equal solely federal government interest; it equals federal government interest plus the aggregate of provincial interest.

PROF. McWHINNEY: You have to get in the process of balancing these, reconciling for some elements of provincially advanced and nationally advanced interests. I think you are speaking in terms of the ultimate conflicts of interest.

PROF. FOX: Yes, there are adjustments, the equation is adjustable. We are going from that now in terms of tax abatement, etc., and also in terms of powers and functions, this is causing more difficulty, quite exclusive of the Quebec problem.

PROF. BRADY: I think we should not perhaps get drawn into too many abstractions in this matter. Quebec and the people in Quebec, they are different from what they were a generation ago. They are interested in developing their resources potential of the provincial government, to a degree that no previous regime in Quebec was.

I remember when English-speaking Canadians used to complain about what a very backward government the Quebec government was, the government of Taschereau and then Duplessis and so on. Now you have a government and you have public servants like the men we met at Kingston, and they are interested in doing things for Quebec and the Quebec community, which constitutes, of course a cultural entity in itself; and that they should want to do things is very natural and we should be interested naturally in what they are attempting, because many of the things they have been attempting are admirable, and I was not depressed at all at meeting these people and finding that they were interested.

DEAN LEDERMAN: I am glad to hear I am not alone.

PROF. BRADY: I was not depressed. They were interested in what Quebec could do, and this is very applicable because I think virtually all of these men did not wish to destroy Canada; they wanted to make a different, more vigorous Quebec that should

be really constituent in Canada and make Canada infinitely more vigorous.

Now, they offered in some of their policies, of course, challenging questions to national policy and those who direct national policy, but I agree with Paul that our crucial problem really is to accommodate ourselves to a new situation, and we shall not achieve that accommodation by, let us say, getting pessimistic and resenting the fact that Quebec is so different and so inflexible. Any people with the feelings, with the purpose that they have today, would be inflexible.

I think it raises this challenging question to English-speaking Canada, to accommodate themselves to this community.

DR. FORSEY: Why doesn't someone think of this going both ways? I am tired of being told that we should just sign on the dotted line and this is what we are having to do all the time.

PROF. FOX: We are not suggesting that. That is why we are here.

PROF. BRADY: We can present, as we did at this meeting, I think, after all, the facts about Canada and what is necessary for preserving it. We do not need to agree to all the propositions that they come up with.

DR. FORSEY: Your use of those words "accommodate ourselves to their views" and this kind

of thing, I was depressed also by their accepting this term "adolescent.". I know what Paul says and I am obliged to him for his grandfatherly advice, but at the same time it seems to me (as I told one of them that day) I have argued that we should treat the French Canada fellow citizen as a fellow citizen, as grown up people, as equals; and, as I said, "If you come along and say 'we are just adolescents' you are going to get treated like spoiled children". I do not think this is proper or fair or right.

This was the thing that discouraged me, and Ryan said, of course, he should not have said that, or something of that sort. It was intimated that he was very witty and brilliant and, of course, you have to allow for witty people saying witty things and shouldn't take it too seriously.

14. I have said my say fifty times and it is too bad. I am very much inclined to think, having said my say in this Committee, that I may as well go home and steam there. I am very doubtful about my further utility on it.

PROF. FOX: I think this is an entirely wrong attitude. You are invaluable, because obviously you have a great deal to contribute to the results of this thing and you represent a very meaningful attempt within the total complexity of it. We don't have a realistic appreciation of

what the problem is, but this does not need to prevent us from arguing these things specifically.

DR. FORSEY: Quite. I talk too much. I am going to join the Trappist Order.

PROF. FOX: I thought the threat you launched that you might go and join Quebec almost ended the conference.

THE CHAIRMAN: I felt, in terms of our work, that there were two strands that appealed to me. One was the double point that Paul raised earlier, that we should always bear in mind that in a certain sense we are dealing with the problems that the provinces have vis-a-vis the federation as a whole, and we should concentrate on this without being overwhelmed by the special problems of one province; secondly, that the thing we can do within our own terms of reference is to worry about the French-speaking community in the country as a whole. We obviously can have no control over the events internally in Quebec, but we can have a great deal of impact on what happens to the French population of the country, and particularly in our province.

Perhaps as we go on with the holding operation, or whatever, at least this is the place where we can focus our attention and when we are all finished in this place we may have had some impact on the thinking and the life of the others as well.

DEAN LEDERMAN: Whatever difference in emphasis, we seem to be agreed on the holding operation.

PROF. McWHINNEY: It is more than holding. One of the things that has to be avoided ---

DEAN LEDERMAN: I embrace adjusting and holding.

PROF. McWHINNEY: Oh yes.

THE CHAIRMAN: Shall we have tea and come back to the table and wind up?

--- Short recess.

THE CHAIRMAN: I think we had better let the Kingston meeting recede into the pages of history, and go on. Are there any questions anyone wishes to raise or any suggestions to make about our research programme?

I had the impression as I looked through the document of work we have done, that we have a substantial stock of research and papers and there are others that are imminent, so that we might well occupy ourselves with trying to boil this down into a policy prescription.

PROF. FOX: The only research thing that some of us discussed this morning, was the question of whether Rowat ought to be asked to go on and do a comparative Capital study. I don't know whether you want to discuss that or not.

THE CHAIRMAN: By all means. What were the views? Was there a consensus?

PROF. FOX: I think there was a feeling. John made the point it should not be very expensive; we should set a fee for it so that we get a manageable piece of work out of it at a fairly reasonable price. He is going to go on with it next year in any event. He is getting a sabbatical and the Council or somebody else will underwrite him.

PROF. McWHINNEY: When he was raising it with you I was curious as to his suggestion for indication of support or endorsement. I think one of the misfortunes of his presentation of the report was the publicity, and the suggestion of some degree of interest in the result.

Would it be appropriate in some manner to de-emphasize the priority of the issue to him, or to manage to communicate to him that it is a subject among many, and, somehow, that it does not imply that the Committee is committed to or has any special expectation about the result?

From my assessment of the temper, the majority would probably decide against doing anything on the subject. I may be wrong. However, would it be appropriate somehow to communicate a certain de-emphasis on the priority of the thing?

PROF. MEISEL: Perhaps tell him he should

not release the stuff to the press.

PROF. McWHINNEY: Perhaps if he asks Canada Council for a grant or some other Foundation, it might be you should spell out the degree to which if at all, he should cite this Committee's interest in sponsoring it.

PROF. BRADY: I think, Mr. Chairman, we have to face the question of what we are going to do about the Federal Capital idea. Are we going to examine it further and make a recommendation to the government, or what is expected from us?

I am very skeptical, if I may say, and the more I think about it the more skeptical I become of the proposal of the Federal Capital area; because I think what things are usually listed as desirable things to be achieved by a Federal Capital District, could be achieved in other ways without the difficulties of the Federal Capital District or area.

To be concrete, one of the problems is an Ontario problem: what to do with the Ottawa area where there is a city and a number of satellite municipalities. Obviously some consolidation of these into a metropolitan scheme of government of some kind would seem to be desirable. That is what the Jones committee, of course, recommends.

Now, that, if accomplished, would at least make it much more feasible for Ottawa as a city or as a metropolitan-organized community to collaborate

with the present National Capital Commission in planning.

Rowat makes much of the fact that it is impossible to implement plans, because there are so many municipalities in the Ottawa area involved. A metropolitan system would simplify the municipal situation and make the kind of planning that he refers to much more feasible.

Then the question of making Ottawa a better symbol of a bicultural nation can again be achieved, I think, by some measures short of a separate Federal Capital District. One very obvious step in that direction would be a bilingual secondary school in Ottawa.

Now, the achievement of that may depend on whether the Franco-Ontarian community decides in favour of getting a secondary education in the public school system rather than in the separate school system. They encounter difficulty certainly in getting separate schools and will continue to encounter difficulty, I think, in getting separate school secondary education. If they decided that they wanted to be in a public school system, I think it would probably be feasible for them and the province, after all, might assist such secondary bilingual education in Ottawa by positive measures. The Federal Government, if its subsidization is thought desirable, could probably be enlisted.

In other words, there are various procedures and I throw those two out, but there are others which would achieve, it seems to me, the objectives that are sought by a Federal Capital District. It bristles with problems, it seems to me, and it is much better for us to start from a centre organization that we have and refine it to suit what we think are the requirements of the Ottawa situation.

PROF. MEISEL: Mr. Chairman, I agree with most of this. I have not made up my mind yet, but I am certainly more and more inclined to doubt whether we could do that or something very effective, if we tried to set up a Federal District of the kind that, say, the Americans have; but I think we must obviously look at all these possibilities which Professor Brady mentioned, the kind of things that can be done in some other ways, and others he did not mention.

We must also be prepared to advise the Government of this matter of when the Royal Commission on Bilingualism and Biculturalism report is published there will no doubt be certain recommendations about Ottawa in that report and Ontario will probably have to take a position on this. So that it will be very wise for us to keep studying the matter, without making recommendations immediately, but be prepared in perhaps six months

or so to take some action.

THE CHAIRMAN: I am informed that the B and B Commission is willing to trade all of their material on Federal Capital Territory to us in exchange for a copy of the Rowat report.

PROF. MEISEL: That seems to me odd.

PROF. McWHINNEY: Quantitatively probably a fair exchange.

15. PROF. MEISEL: We are getting an infinitely better deal.

PROF. CREIGHTON: We are getting? They are getting.

DR. FORSEY: What did you say?

PROF. MEISEL: We are getting a better deal.

PROF. McWHINNEY: Their material is better on the Rowat subject? On other matters I thought it would be the other way. We were saying that earlier.

PROF. MEISEL: I think the material that has been accumulated on the Capital report and Ottawa is much more extensive than what ---

PROF. CREIGHTON: It might be more extensive, but is it any better? Is it half as good?

THE CHAIRMAN: More expensive?

PROF. FOX: Well, more expensive, I can tell you.

PROF. McWHINNEY: There is no question of

that. It is a bonanza.

THE CHAIRMAN: There is no doubt that the B and B Commission will have something to say, and we understand that the Federal Government is carrying on an internal study of the matter itself.

PROF. McWHINNEY: Parallel to the B and B?

THE CHAIRMAN: Oh, yes.

PROF. McWHINNEY: Or separate from? This is Trudeau, Beetz and so on.

THE CHAIRMAN: Yes, I think that realm.

PROF. McWHINNEY: So there is duplication there.

THE CHAIRMAN: As you know, the Ottawa City Council certainly made its view known to the government of Ontario in quite explicit fashion.

PROF. BRADY: What are its views?

THE CHAIRMAN: Adamant opposition.

PROF. MEISEL: To anything.

THE CHAIRMAN: They also would like a copy of the Rowat report. I think we could add quite a bit to the exchequer.

PROF. McWHINNEY: Who is pushing this issue, apart from some Anglophobic Ontarians who seem to be apparently mistaken on what French Canada wants?

MR. MAGONE: I saw an editorial in one of the Toronto papers pushing the idea, purely on emotional grounds.

PROF. McWHINNEY: It is fascinating how

issues are created and semblance given of public demand for something where apparently no significant pressure group is after it and some significant one against it.

DR. FORSEY: Maurice Sauve advocated it, didn't he?

PROF. McWHINNEY: He is not involved, is he? Of course, it is anybody's guess.

DR. FORSEY: You cannot write him off completely and say he speaks for nobody else but Maurice Sauve.

THE CHAIRMAN: On the question of the Rowat further study, is there a consensus that he should continue, and that the research policy sub-committee might discuss the terms of reference for that study and the appropriate fee?

PROF. McWHINNEY: With the element of de-emphasis perhaps to sort of de-fuse ---

PROF. CREIGHTON: The other suggestion was there should be some investigation of the legal problems.

THE CHAIRMAN: Yes.

PROF. CREIGHTON: Because there was some difference of opinion as to how serious that might be.

THE CHAIRMAN: Are there any other matters bearing on research? We have not entirely met Professor's Brady point that he raised, how we will treat this subject, except I think we should in a

more systematic manner perhaps follow up the Rowat report in one of the sub-committees or in some other fashion and try to arrive at a position you might wish to adopt.

PROF. McWHINNEY: I raised the point in committee that was settled to my satisfaction in committee. It perhaps is put under the Rowat report because in general this follow-up one is going to be a two, three or four hundred page thing, sort of treatise.

I am reading for B and B a number of treatises which they asked of me - as Eugene said, the only constitutional lawyer who had not been given any bonanza from B and B; they asked me if I would read some of the reports and recommend whether they are of sufficient scientific value to be published in books and things, and asked whether our Committee was, as I assumed it had simply been functioning to present short, reasoned reports but without intention of publishing or recruiting a monograph series as B and B are now presumably trying to do.

I take it that is the Committee feeling on this, which I am sure Bill communicated to you as the general view, that as yet we are not getting into the monograph.

THE CHAIRMAN: Into the publication business.

PROF. McWHINNEY: Yes, in the large scale

publication.

THE CHAIRMAN: I think we had some reference to this in terms of the discussion of public education this morning, and this is an issue we have thrown back and forth a lot in the Committee.

Well, if there are not other matters of business you wish to raise, I see that the next time is the third week of February, Friday the 17th. We will have a meeting of the sub-committee before that time to consider the agenda, as well as the questions we have just discussed.

--- The hearing concluded at 4.00 p.m.

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ONTARIO ADVISORY COMMITTEE ON CONFEDERATION

M E E T I N G

held at

The Frost Building, Queen's Park,
TORONTO

on

FRIDAY, FEBRUARY 17, 1967



VERBATIM REPORT OF PROCEEDINGS

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FRIDAY, FEBRUARY 17, 1967

VERBATIM REPORT OF PROCEEDINGS

ONTARIO ADVISORY COMMITTEE ON CONFEDERATION

Meeting held at the boardroom, 6th floor,
Frost Building, Toronto on Friday,
February 17th, 1967.

PRESENT:

Mr. I. M. Macdonald, Chairman

Prof. A. Brady

Prof. J. Conway

Prof. P. W. Fox

Dr. E. Forsey

Dean W. R. Lederman

Mr. C. R. Magone

Prof. E. McWhinney

Prof. J. Meisel

Prof. T. Symons

Mr. D. Stevenson)	
)	Co-Secretaries
Mr. R. Farrell)	

Mr. C. Beer

Mr. P. Venton

Mr. G. Posen

Miss J. Roy

--- At 9.45 a.m.

THE CHAIRMAN: If we might proceed, the following have indicated that they will not be present this morning: Mr. Seguin, Dean Dillon, Father Matte, Professor Creighton, Mr. Perry, Professor Meisler. I gather that Professor Meisel will be here on the morning train.

I have not really any other matters to report upon, I think, unless there are questions you might wish to raise or discuss.

We did propose that we would spend the morning in the three sub-committees, considering the questions as proposed in the agenda and/or any other items that you might wish to deal with.

I did consider with the Cabinet Committee the best time that we might meet with them again and, as it turns out, I suppose by some stroke of intuition or whatever, I decided that it might be better for several reasons if we met with them in March rather than today. So that I would still propose that we might keep in mind the March meeting, which would be on the same day of the month, the 17th, and perhaps arrange to give a portion of that day to the meeting with the Cabinet Committee.

That is really all I have to say, unless there are any other general comments or questions or matters that occur to you.

PROF. McWHINNEY: Do these two letters represent the complete total of the correspondence between Prime Minister Robarts and Prime Minister Pearson? In other words, has there been any response from Prime Minister Pearson?

THE CHAIRMAN: No, this is the complete correspondence. I think that the telephone calls are probably more interesting, but they are not on record.

DEAN LEDERMAN: I did not receive any agenda, Mr. Chairman. I may have missed the mail.

THE CHAIRMAN: That probably has arrived if you left early. We can get you one here, I am sure.

DR. FORSEY: Mine arrived yesterday morning, so I think that is the situation.

Mr. Chairman, before we go any further, would it be appropriate at this time to send a message in suitable terms to the Prime Minister, wishing him a speedy recovery? Unless you think it would be inappropriate, I would like to make that suggestion.

THE CHAIRMAN: I would be very happy with that suggestion. How would you like the drafting of it handled?

DR. FORSEY: I should think that might be left to your skilled hands.

THE CHAIRMAN: All right.

PROF. McWHINNEY: May I ask, is the condition of the Prime Minister any different from that reported in the morning paper?

THE CHAIRMAN: Very good this morning.

PROF. McWHINNEY: We had this morning's paper, which seemed to suggest the thought of his retirement. By the way, it is all over the Montreal papers and this has got very big billing in Montreal.

THE CHAIRMAN: I suppose this kind of talk is inevitable, particularly when there is political advantage in making it so. I would have no reason to think that is correct.

PROF. McWHINNEY: You might convey to the Prime Minister that there is a very deep sense of personal regret very evident in Montreal.

THE CHAIRMAN: I will do that.

PROF. McWHINNEY: Very genuine goodwill. This is really quite moving.

DEAN LEDERMAN: Is there a firm diagnosis of the trouble yet?

THE CHAIRMAN: No, I don't think so. I have my own private theory that it may be more to do with a rigorous weekend on the snowmobile than anything else.

PROF. McWHINNEY: How can you be rigorous on a snowmobile? I thought they sort of did away with the rigour.

THE CHAIRMAN: Not according to someone who was describing to me the two things that anyone should absolutely have. One is a crash helmet and the other is one of these big belts that compresses you in the interior.

PROF. McWHINNEY: They stop suddenly, do they?

THE CHAIRMAN: Apparently they jab and jolt and push and thrust - not advised for the normally sedentary person.

PROF. McWHINNEY: Like turn-of-the century automobile riding, is it not?

PROF. BRADY: Mr. Chairman, on the agenda is the obvious question that occurs to some of us on the cultural affairs committee and also on the constitutional committee. Clearly we cannot be in two places at the same time.

Now, the cultural affairs committee had arranged to meet this evening, actually to have a dinner meeting and to talk with Mr. Rathe on the cultural exchange programme. I think what the committee would have to discuss can really be discussed then, and that those of us - I think all of us are also on the constitutional committee and I think that is probably where we ought to sit this morning.

There are incidentally some matters on the agenda of the constitutional sub-committee -

Dean Lederman's paper which I would like to compliment him on at this point - and the concept of a Federal Capital Territory which I think is important and we ought to push on with it and not leave the matter in the air; the Supreme Court; the desirability of Ontario recommending changes in regard to certain cultural and legal rights of French Canadians.

DEAN LEDERMAN: I would entirely agree with what Dr. Brady says, Mr. Chairman, and I am sure that all the members of the cultural sub-committee here, if we could sit in joint session, we can deal with the questions under 4 much better than we could otherwise.

THE CHAIRMAN: I am entirely agreeable to that. Is the intention to deal with both sets of problems, or were you proposing, Professor Brady, you might deal with the cultural subjects at your meeting this evening?

PROF. BRADY: Yes, I think so. The principal matter we were going to discuss was cultural and educational exchanges.

MR. STEVENSON: If I might say that item (b) under 2 for the cultural sub-committee, can well be combined with the constitutional sub-committee discussion.

DEAN LEDERMAN: That relates to the Capital District and other districts?

MR. STEVENSON: It could. The secretariat has put together a number of papers and a statistical background on bilingual districts, this kind of question, which could well be a joint matter for discussion.

THE CHAIRMAN: Yes, this second question has some present relevance and interest as a matter of fact.

Well, I think that might well be done then, that, let us say, under "cultural" items (a) and (c) might be treated at your meeting this evening. Item (b) might be treated today along with the constitutional questions in joint committee. Would that be agreeable?

PROF. SYMONS: Agreed.

THE CHAIRMAN: In any event, we are a small group it seems.

I have two matters of no particular sequence here. I noticed there was an article in this morning's Globe and Mail on the genesis and present status of the cultural exchange agreement, which you may have noticed.

PROF. FOX: Incidentally on that point, Mr. Chairman, Harold Greer of the Montreal ---

THE CHAIRMAN: That was the second point I was going to raise.

DEAN LEDERMAN: They didn't get me. I was out of town yesterday and no one knew where to get me.

PROF. McWHINNEY: Montreal Star, isn't he?

PROF. SYMONS: What about him? I didn't know.

THE CHAIRMAN: What is interesting and it is disconcerting but not surprising, is that as far as I can gather no whisper of this came out of either Toronto or Quebec, but the public reference seems to have come out of Ottawa, which surprises me not at all.

PROF. SYMONS: Mr. Chairman, I was going to ask about this. I didn't know whether there had been any public mention of our conference in Kingston, but there was yesterday in the Peterborough paper a news article about it that had a sort of garbled version, and I think the date line was from Quebec City. This was accompanied by an editorial which was favorable. I did not know about Mr. Greer's article.

PROF. McWHINNEY: What paper is Mr. Greer with?

THE CHAIRMAN: Montreal Star.

PROF. McWHINNEY: I am delighted to say that I have not had a telephone call.

PROF. FOX: He has been up here phoning everybody else, that is why.

DR. FORSEY: He called me and I said, in the frostiest tones I could muster, that to my knowledge no meeting of the Ontario Advisory

Committee on Confederation had ever been held except in Toronto.

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PROF. McWHINNEY: That is correct actually.

DR. FORSEY: He made several more stabs, and I kept saying: "To the best of my knowledge no meeting of the Ontario Advisory Committee on Confederation has ever been held anywhere but in Toronto". He said: "Well, I know a meeting took place". I said: "I can only repeat that to the best of my knowledge ..." and I went through my piece. Then he said: "I can only conclude that you were not present". So I repeated again: "I can only repeat to the best of my knowledge ...".

I think I left him with the impression that you fellows had all been doing the dirty on me and up to something behind my back, but I made no further comments.

The thing having originated in Ottawa, it sounded rather as though I had been letting my tongue wag.

THE CHAIRMAN: No.

DR. FORSEY: To the best of my recollection, I have mentioned this, without mentioning names, to nobody. I have mentioned some of the things that went on to my wife and one or two other people who have no connection with the press whatsoever, merely, I think, saying what

an extraordinary proposal we had heard from one gentleman and my comments on it and saying I had found it a depressing experience.

If any newspaper man got anything, he did not get it directly from me, and I think it is very unlikely he got it from anybody to whom I have even made casual reference to it in my private conversations.

THE CHAIRMAN: No doubt about that. In fact I know very well the source of that report in Ottawa. It is the same source as all the reports that leak out of Ottawa.

PROF. McWHINNEY: As a matter of formal record though, this was a special seminar organized by Queen's University, Department of Inter-governmental Relationships. In fact, you remember, we discussed the whole problem of the presence of these strangers - and they were not strangers, of course, because in fact we were there as individuals.

DEAN LEDERMAN: Those that were there. Now we have an answer.

THE CHAIRMAN: The only point I made to Greer is that it was a private meeting arranged by Queen's University, period.

PROF. McWHINNEY: That is correct, and frankly there are very many academic seminars where they do not bring the press in.

PROF. SYMONS: Mr. Chairman, if we are approached on this point, it is in order to make

that kind of comment, you feel?

THE CHAIRMAN: I think so. Greer had started out on me with that oldest of techniques, that he was going to write the story anyway, so he thought he may as well have the fact.

PROF. McWHINNEY: It was his conception of the story.

THE CHAIRMAN: He didn't seem to ---

PROF. FOX: He didn't know at that point.

PROF. McWHINNEY: He was fishing.

THE CHAIRMAN: He didn't know a great deal about it. I think he was clearly fishing.

DEAN LEDERMAN: I was explaining before you came in, Mr. Chairman, that at the McGill Law School opening two or three weeks ago, I ran into an old friend, Jean Beetz, and his opening greeting to me was: "How did the meeting in Kingston go?"

THE CHAIRMAN: You are getting too hot, so we had better cut this off now.

DEAN LEDERMAN: I know how he knew, and the source was Quebec City.

DR. FORSEY: He did not get it from me.

PROF. McWHINNEY: Didn't you in fact say, or wasn't there somebody mentioned something that there was talk of a conference with the federal task force, the Beetz-Trudeau task force.

THE CHAIRMAN: We had talked here.

PROF. McWHINNEY: Is that Beetz?

THE CHAIRMAN: I think we talked in the

committee. Certainly in the staff we have talked about the advisability of doing this at some stage with the federal counterpart, which was Burns' suggestion actually, and he wrote me a letter to that effect, but it is not something I had really-- I am not sure whether Ottawa would accept, you see.

DR. FORSEY: My attitude, when I get called about the work of this Committee, is invariably to say that they should get in touch with the Chairman; I have nothing to say to them whatsoever. Then anything that comes from the Chairman is bound to observe the limits of propriety, and there is no question of my having been indiscreet. I simply say: "If you want any information, ask the Chairman".

PROF. McWHINNEY: That, of course, then indicates that this was an official function, it seems to me.

DR. FORSEY: I didn't say it in this case. I just said: "No meeting".

PROF. McWHINNEY: I was thinking that perhaps in future the sensible statement, if in fact there were public discussion, is that there was a Queen's University conference and we were there. I was certainly there, as a private individual. If we had been there officially, we would not have these Queen's people with us, who were very valuable and helpful. We were all there in an informal capacity. It is very usual

in university conferences not to allow the press in.

DEAN LEDERMAN: Nothing unusual in this respect about university conferences, to exclude the press.

PROF. SYMONS: I wonder, it having gotten off in this particular awkward way, if it would not be useful for some kind of prepared -- not too prepared -- statement about it, perhaps coming from Dr. Burns; not a statement to be pushed on the press, but to be available, if we might say: "Yes, there was a conference convened. It was the Institute of Inter-governmental Relationships at Queen's University and it was very interesting and useful. If you want more information about it, the host was the Institute." In that way, since the thing is upon us, let us try and get a reasonably useful and balanced report of it into circulation, because the little garbled bit that appeared in last night's paper at home was trying to relate it to the decision to have a "Confederation of Tomorrow" conference, that this had been the pour parler for that, and they were fumbling around for all sorts of extraneous political significances.

I wonder if it would not be well just to agree on some one person, and since we do not want it to be officially in the name of the Committee perhaps it would be better to spare you, and to

suggest the head of the Institute that arranged it, and just have him prepare to give a straight forward balanced explanation to any reporter that wants to have it.

PROFESSOR BRADY: It seems a reasonable suggestion.

DEAN LEDERMAN: If you want that done, I can see Mr. Burns and get it done.

DR. FORSEY: I suppose it is a good idea. There has been some garbled version. I haven't seen anything. I have only had a telephone call, and I am inclined to tell the gang of newspaper men to go and boil their heads.

THE CHAIRMAN: I think Tom has a good suggestion. Let us just qualify it in this way, that, as in most of these things, I suspect that this will become dead as soon as tomorrow's news appears; and I would be inclined to let it sit, and if it starts pushing up and there are all kinds of prestigious things said, I would propose calling Ron Burns and asking if he would simply make a half dozen sentences of a factual kind, and perhaps we might handle it in that way if you agree. I suspect strongly that we will not hear any more about it.

DR. FORSEY: I agree with the Chairman.

PROF. McWHINNEY: Perhaps Bill or somebody can unofficially speak to him, because he may then himself get called.

THE CHAIRMAN: I would suggest, if you would be good enough, you might just report to him on the tenor of this discussion, and then he would know what our thinking was and be alert if he was going to be called; he would be forewarned that if the possibility existed, he may have to make a statement.

PROF. McWHINNEY: He didn't call me.

MR. MAGONE: He called everybody else. He was over here in the press gallery when he called me.

THE CHAIRMAN: He works in the press gallery.

DEAN LEDERMAN: He wouldn't necessarily have a clue to Burns being involved.

3 PROF. FOX: That is why I am opposed to bringing Burns into it. I think your suggestion is best. I would be happier actually if you handled the discussion than Burns. I think it is irrelevant.

PROF. McWHINNEY: At least he ought to be told unofficially.

DEAN LEDERMAN: If you want to take the line it is informal and under the sponsorship of Professor Burns' Institute, then you have to follow the logic of this position.

PROF. BRADY: That is the point. After all, we were not there as members of this Advisory Committee, but as individuals, invited by

the Queen's Institute of International Relationships.

DR. FORSEY: No pay, nor expenses.

PROF. BRADY: An informal conference.

PROF. McWHINNEY: Donald Creighton's principle, you know Don insists he will not meet with strangers; it is a closed meeting; won't meet even with Legislatures. As I understand the position we could not possibly under those circumstances meet at Kingston on an official basis.

So I think you have got to bring Ron Burns in, and if he is a sensible, discreet man (as he seemed to be) all he really needs to know is there was some discussion here about it and he would be appropriately non-loquacious.

DR. FORSEY: I agree with the Chairman it is probably going to be a dead duck, and that there is no real point in stirring Burns up to issue something, but if these characters keep fussing over it, then I think perhaps it is a good idea to have him issue some short statement.

PROF. McWHINNEY: I doubt if it is a dead duck, for this reason, because the "Confederation of Tomorrow" conference the Prime Minister shot off the hip. Trudeau was away in Africa, and what Prime Minister Pearson said was rather silly and I do not think he can retrieve. The enthusiastic response to Mr. Robarts' proposal in Quebec is such that, you know, the notion that there is an axis developing for meetings, hatching

a plan, this sort of thing quite likely is the hypothesis for imaginative journalists of the sort that this Bill Greer seems to be, and I think it is quite likely to be around because it is the reality of political power in the federal debate now. The two big provinces seem to have the ideas, and the federal government at the moment is collapsing into oblivion in terms of initiative.

DEAN LEDERMAN: If the line taken in the newspapers is that here is the confirmation of a Quebec-Ontario axis, then something ought to be said, I think, because that is not what happened.

DR. FORSEY: No. We have no responsibility for suggesting this proposal that Mr. Robarts made. In fact, as I recall it, we were far from enthusiastic about it.

PROF. McWHINNEY: There was division of opinion.

DR. FORSEY: Certainly in the sub-committee, so I certainly hope nobody is going to suggest that we are up to some kind of tricks to embarrass the Dominion Government. We are not.

DEAN LEDERMAN: I am sure the Ottawa people understand this.

THE CHAIRMAN: Greer did to me allude to some connection between these two events, and I took some pains to re-assure him that there was

absolutely no connection between the meeting in Kingston and the decision of the Prime Minister here. I even went so far as to say that in fact I had no opportunity myself even to report upon the Kingston meeting to the Prime Minister, which is perfectly true, more than the half dozen words which I had a chance to say about it.

PROF. McWHINNEY: Isn't he their senior journalist here, do you happen to know, or is he a cub reporter?

PROF. FOX: Greer is the senior man.

PROF. McWHINNEY: Editorial type?

PROF. FOX: Oh, yes. He was with the Globe for many years, wasn't he?

MR. STEVENSON: Yes.

PROF. FOX: In Ottawa.

DEAN LEDERMAN: George Ferguson has been taking the same line in Montreal Star (I presume it is George Ferguson); he has been taking the same line as Mr. Robarts, that there ought to be open, public conferences of some kind about Confederation.

PROF. McWHINNEY: All the Quebec papers have.

THE CHAIRMAN: So have the Toronto papers.

DEAN LEDERMAN: The Star in particular.

PROF. SYMONS: It sounds, Mr. Chairman, as though you may have already said to Mr. Greer

pretty well what I would have hoped Professor Burns would say - simply that there was a useful informal meeting, and this kind of thing. I just think it has to be said and said to him by someone that is in a position that he knows, that he is speaking about what he knows; but it is a natural one to be exploited as a conspiracy and as an explanation for the "Confederation of Tomorrow" conference, and this kind of thing. I think we need to head it off.

THE CHAIRMAN: Well, we will see how that goes.

MR. MAGONE: I think if you see somebody poking fun at a statement of that kind that is made, that this meeting did not meet with the people in Quebec -- as a matter of fact they did. Not as a Committee, but they were all there except myself, and I didn't go down because I didn't think any of us had a right to go down and discuss these things with the Quebec people. You might get yourself into that kind of pocket, to say you didn't have a meeting with these people, because you did have a meeting.

PROF. McWHINNEY: It was still a scientific meeting in which the Queen's people rightly or wrongly, took an active part, and I thought they were very helpful. This is why I would say it was basically a scientific meeting,

and it was facilitated by the fact that, of course, very many of them were Professors. You look at the Quebec delegation, and indeed a great many of them were more than full-time professors than is normal in the civil service regime - Parizeau for example, they were University of Montreal types in various ways.

DEAN LEDERMAN: I think Mr. Magone's point is well taken, that there was in fact an informal gathering of the Committee. I think what one emphasizes is "informal" - no decisions, no resolutions, this kind of thing, just a sounding-out.

PROF. SYMONS: And there were other people present.

DEAN LEDERMAN: There were other people present.

PROF. SYMONS: But it was a university seminar in which many of the members of the Advisory Committee took part.

THE CHAIRMAN: The only names -- no, I stand corrected. Greer mentioned the names of three Quebec people to me that he knew were present, the first of which he mentioned was Ryan. I wondered if he had a sort of pique that one journalist from a Quebec newspaper and not another was included.

PROF. McWHINNEY: And a Liberal by the way.

THE CHAIRMAN: He also mentioned Morin and Parizeau.

DR. FORSEY: Prof. Creighton and I , you may recall, were very dubious, to say the least, about having this affair at Kingston at all. We both came away with, I think, the feeling of profound depression and a feeling that it had been of little or no use; that our misgivings about it had been confirmed. I am inclined to think this performance of these infernal newspaper men getting hold of something, is further confirmation of our original misgivings. I think we should be extremely careful about anything of the sort we do in future. I should like to meet the people on the task force (whatever it is called) in the Dominion Government, but, by George, I want to be awfully careful that we were not put in the position where you could say there was even an informal meeting.

I am very sorry if I have apparently told Greer what appears to be a whopper in the opinion of some people, but I thought it was pretty clearly understood that this was the basis that we went there on; that we went as individuals and, in some cases, very reluctantly as individuals.

THE CHAIRMAN: I made that point very clear to him too, Eugene, that everyone was there in his own rights, so to speak.

4 DEAN LEDERMAN: This was clear, but, of course, if you are a newspaper man and you start adding up the names, then Mr. Magone's point is well taken of what they can make it to look like.

THE CHAIRMAN: But beyond that, I think we can be unduly apprehensive about all of these things. This Committee is designed to advise on Confederation and it seems to me both collectively and individually we are entitled to resort to any means that we deem appropriate to the wider information and wider knowledge of ourselves and, in turn, our greater ability to advise. So that I am not really worried about this call.

DEAN LEDERMAN: No, I don't think we need to worry about it, but the anti-conspiracy point that really comes there is this, that no one really at the level of politically elected office was there. This is a point that one can make if one has to. No Minister of either Ontario or Quebec was present.

DR. FORSEY: No. Of course I suppose the newspaper men with their highly developed sense of the dramatic like to think of us as "eminences grises" plotting behind the scenes and pulling strings at the other end of which dance the Prime Minister of Ontario and the members of his Cabinet. I do not see that we qualify quite for this part, grey though some of us may be.

PROF. McWHINNEY: Eugene as a Cardinal Mazarin - an excellent thought.

PROF. FOX: Protestant Cardinal.

THE CHAIRMAN: I think this might make a good point to dissolve ourselves into committees. It is going to be rather like Parliament resolving itself into a Committee of the Whole, I think, because I see I am in a minority of one as far as the economic and fiscal committee is concerned, and in turn the Chairman of the constitutional committee has kindly invited me to join his committee this morning. So perhaps if we just stretch our legs and move around the table, we could resume.

DR. FORSEY: Where is the mace, Mr. Chairman?

THE CHAIRMAN: Bill, you can take over wherever you wish to.

--- At 10.20 a.m. the Committee broke up into sub-committees and resumed in plenary session at 3.10 p.m.

THE CHAIRMAN: In the plenary this afternoon I thought we might try and pull together some of the strands that have been discussed today and it may be necessary to expand the discussion at some point in order to get some consensus or some direction from the session today. It has also been proposed that we might give some thought to the "Confederation of Tomorrow" conference as

well.

For my own guidance as much as anything, on the items that we put forward for the cultural sub-committee, as I understand it we agreed that (a) and (c) will be things that will be dealt with at the meeting this evening. Professor Brady, have you anything you wanted to add or could say about that meeting this evening, the objects you have in mind for it and where you expect it to lead?

PROF. BRADY: Well, no, I haven't anything definitely to say. Perhaps some other members of the Committee may be more clear-headed.

THE CHAIRMAN: This is a meeting with Professor Rathe, is it?

PROF. BRADY: We are meeting Professor Rathe and going to hear something from him about his ideas, and we would have a general discussion of the problems involved in cultural exchange. Perhaps Charles Beer who is in close touch with it, have you anything?

MR. BEER: Mr. Chairman, the only thing that I might add to that for the record is that this meeting is timely in that Professor Rathe is going to Quebec City next week and will be having discussions with various officials in the Ministries of Education and Cultural Affairs. He also has some proposals which he has worked up and will give to us, in the way of projects which have

been done in the past, projects already underway, and some of his own ideas as to what might happen in the future; but, as you will see, the real point of the meeting is to have an exchange of views and for us to discuss with Professor Rathe some of the ideas that the Committee has and also to see what some of his ideas are.

THE CHAIRMAN: And is he reaching the stage where he is ready to bring forward proposals, do you know?

MR. BEER: I gathered from speaking to him that this is so, and that he has some proposals and hopes to find out more about these next week in Quebec City.

MR. STEVENSON: Mr. Chairman, if there is anybody who has not read it, on page 7 of the Globe and Mail this morning there is an article about the exchange programme referring to Professor Rathe on a number of things. It also states that half of the \$250,000 has now been spent, a good chunk of that going to the Arts Council directly as a grant towards one of their projects, but he is hopeful of spending a good portion of the remainder before the end of March too.

PROF. BRADY: After all, it is the financial year, is it not?

MR. STEVENSON: Right.

THE CHAIRMAN: That matter seems to be

gathering some steam then, which is good to see. On the examination of the educational question, is this material in relation to this, or to the districts?

MR. BEER: No, to the districts.

THE CHAIRMAN: I don't know if there is anything further to be said on that subject, Paul.

PROF. FOX: No, I don't think there is anything to report at the moment.

THE CHAIRMAN: Charles, have you anything?

MR. BEER: Mr. Chairman, there is one thing on that. We received this week a copy of the Deslauriers Report which was put out by the Franco-Ontarian Private Secondary Schools Association. Some preliminary notes have been taken on that, and we will be working up more extensive analysis of the report. I think this is something we should keep in mind for the next meeting. Of course, Mr. Seguin will be with us then, because this weekend is the Franco-Ontarian Educational Association's meeting, and they are undoubtedly discussing this report, at least this is one of the base papers for the Commission, and there is a lot of very valuable material in it which we can discuss, I think, more thoroughly with Mr. Seguin at the next meeting.

THE CHAIRMAN: Then going on to the matters that we have been discussing for the day,

in the early part of the morning in the Committee of the whole there were two items on- which I do sense that you felt some expression of opinion might be conveyed to the Prime Minister. There was the issue I raised on the financial institutions. There was an item prior to that.

PROF. SYMONS: His health?

THE CHAIRMAN: No, I have that in mind.

DR. FORSEY: One of the matters you raised, wasn't it?

THE CHAIRMAN: But in addition to that.

PROF. McWHINNEY: Was it the issue of the Kingston conference?

DR. FORSEY: You raised two matters yourself.

THE CHAIRMAN: These are matters of substance.

DR. FORSEY: One was the financial institutions, and the other I forget for the moment.

MR. STEVENSON: The possible preparation of a press release by Mr. Burns is the other.

THE CHAIRMAN: No, not on that subject at all.

MR. STEVENSON: Sorry.

THE CHAIRMAN: These were matters that seemed to be of federal-provincial.

DR. FORSEY: Perhaps the Court Reporter could refresh our memory by looking back in his

notes.

THE CHAIRMAN: No, he was not here.

PROF. MEISEL: Take steps to get a proper legal opinion on whether federal or provincial jurisdiction in this field of financial institutions. There was one other.

DR. FORSEY: Attorney General's Department.

PROF. MEISEL: I don't wish to disparage Mr. Magone.

THE CHAIRMAN: What were we discussing just before I introduced the question of near banks? We were talking about ---

MR. STEVENSON: Delegation of power.

THE CHAIRMAN: There is an issue that was current, and it seemed to me it was John Meisel who said we might well convey -- or perhaps you, Eugene -- convey to the Prime Minister our view on this that he might be preparing himself. Perhaps I am thinking of your paper, your extended work on the ---

DEAN LEDERMAN: I undertook to do a paper on part 2 corresponding to the paper I did in part 1. Perhaps that was it.

THE CHAIRMAN: That, I suspect was perhaps the other item.

DEAN LEDERMAN: I think I can quite possibly do it in time for next month's meeting.

THE CHAIRMAN: That is in hand then.

That was the item.

DEAN LEDERMAN: The other matter was the matter of the financial problems, deposit insurance and that sort of thing.

THE CHAIRMAN: Yes.

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DEAN LEDERMAN: And while it is very complex and a detailed legal opinion would be quite a major task, on just what the jurisdiction is in detail, on the whole I think our consensus was that it is a good thing for the Federal Parliament to establish its jurisdiction, the Federal Parliament and Government, because in some ways they are the only people who can do it effectively; but there is an area here, there is a genuine area of concurrence and collaboration here as well.

I think what we felt was that both levels of government had neglected their responsibility in this field, although it is easy to be an armchair general about this after the event.

PROF. BRADY: I suppose the Attorney General's Department must be examining this matter now.

DEAN LEDERMAN: There have been conferences on securities regulations too. There have been research projects and conferences going on all summer for weeks on this, I know, this summer past.

DR. FORSEY: I think it was quite clear

from what we said that we had no objection to an extension of delaying activity in this, even if it involved a clarifying and validating constitutional amendment.

DEAN LEDERMAN: We were generally in favour of Mr. Johnston's position initially.

DR. FORSEY: And of Mr. Robarts' apparent attitude to it as reported by the Chairman.

THE CHAIRMAN: My impression, to the extent that these issues were raised, I got the impression that the general sense of the meeting suggested that the position taken by Mr. Johnston should be taken seriously; that the notion of trying to clarify this problem was important, and that the apparent trend of Ontario Government thinking towards extension of federal authority in this matter should be encouraged.

DEAN LEDERMAN: I think that is it.

THE CHAIRMAN: Isn't that a reasonable sense of the discussion?

DEAN LEDERMAN: This afternoon we have been discussing 4(b) and 2(b) in combination; the Federal Capital Territory idea, relating that to the other French Ontario districts -- French in the sense that 15 per cent or more of population is of French ethnic origin.

MR. STEVENSON: Mother tongue.

DEAN LEDERMAN: Mother tongue is French,

and these areas have been identified by the recent researches. We feel that as a result of what we learned at the Kingston Conference there does not seem to be a great deal of interest, at least at the official level, in Quebec in a Federal Capital District, and that is putting it mildly. They possibly do not want it.

On the other hand, this puts it all into Ontario's court and means that anything that is done in the Ottawa area to make it a more bicultural or bilingual area, and a better place for French Canadians to live in, so to speak, will rest on Ontario initially; the same, of course, with the other French Ontario districts.

So that is generally where we came out on that discussion, that the ball was in Ontario's court and it is going to stay there, I think, on these issues.

PROF. BRADY: Perhaps it might also be added that since the Department of Municipal Affairs is at present working on a scheme of re-organization for the Ottawa area, we should in an Advisory Committee be interested in this, and should be in touch with them, know what they are doing, and they should know something of what we think as the investigation proceeds.

THE CHAIRMAN: I think it would be very useful to be able to muster the opinion or opinions of this Committee on the question, because time

does go along and events press on. The Department of Municipal Affairs is in the position of having to carry forward its policy on regional government, at the same time as, you know, the discussions generated by the Rowat report, which, so we are informed, engendered quite a hardening of the English-speaking position in Ottawa.

Now, it seems to me that if we have any sense of direction or any sense of consensus on this, it is none too soon to be putting it forward or we will be overtaken by the passage of events.

PROF. FOX: I wonder, Mr. Chairman, if we should not try to get one of our sub-committees, or alternatively a group of people on the plenary Committee, to pursue this problem. I agree with Eugene that we have had a useful discussion today, but I think we are just getting close to thinking about some of the problems that he suggested we ought to look at in great detail, or some of the implications of the suggestion of trying to apply a greater degree of bilingualism in certain counties or areas, and we really need further work done on it and it is just a question of how we could best do that work.

DR. FORSEY: I understood the secretariat was doing some work on this. I suspect it is the kind of thing that they can do better than a committee or sub-committee of this Committee can do. It is something that you have to work at

pretty continuously, I should think. When they have got their material, reference and this kind of thing, then we will be in a position to look to see what it was thought advisable to recommend in detail.

I mean, I think it was quite clear this afternoon that in general we were in favour of this idea of applying some degree of official bilingualism at any rate to certain of these districts with 15 per cent and up of French-speaking population; and that it was a matter of working out ways and means and considering what was feasible and how fast it could be done.

Mr. Magone was a little bit uneasy about putting some of these things into -- well, he was against putting some of these things into legislation, and thought it best to let it evolve as it is doing now. I think most of us were inclined to feel that we needed to do rather more than that, that it needed to be carefully worked out.

I understood the secretariat was in fact making some enquiries, or making enquiries about what was actually done in Quebec in, as it were, counterpart areas where there is a relatively substantial English-speaking population: what is the practice actually followed, what difficulties do they encounter, what expense is involved and

so on?

PROF. MEISEL: Mr. Chairman, I wonder whether one of the staff that was here during the discussion in the early afternoon took notes? Did you take notes, Charles?

MR. BEER: I have some, yes, not verbatim.

PROF. MEISEL: There is one point, I think Eugene Forsey made an excellent summary of the sort of areas that you ought to look into with respect to the Ottawa problem and it might be useful if perhaps we could get, not anything like minutes, but a point by point summary of the main chores that need to be done, as the list emerges from our discussion earlier today. Perhaps we have not enough by way of notes, but if we do this could be very useful.

DEAN LEDERMAN: One thing that was pointed out was that there are extensive studies coming out of the B and B Commission and we need to get our hands on those.

THE CHAIRMAN: Now, apropos of that, the B and B Executive Committee did agree to make certain studies available to us. A number of these have come in already, which the secretariat have. Then, subsequently, I wrote to them, at least I sent them a list of things that we were interested in, and a letter came back yesterday setting out

certain things that they would be prepared to make available, and it was fairly extended.

MR. STEVENSON: Mr. Chairman, if I remember rightly, the list did not contain studies on the Ottawa area, which is one which the Committee was particularly interested in, particularly with regard to the possibility of a swap of the Rowat report.

I wonder if we could follow that up? I think Professor Meisel suggested we do that, and do it quickly, in this afternoon's session.

THE CHAIRMAN: That we do ---

MR. STEVENSON: That we officially request studies on the Ottawa area.

THE CHAIRMAN: I see.

MR. STEVENSON: Which were not in the list which they sent us, and that we make available to them a copy of the Rowat report.

PROF. MEISEL: The reason for that may be that I do not think they have quite finished all of them but I know some of them have been finished.

THE CHAIRMAN: Is this a consensus recommendation, to do a swap of this kind?

PROF. FOX: Good idea. I don't see what we have got to lose.

THE CHAIRMAN: In that case ---

PROF. BRADY: What are we swapping?

PROF. FOX: We are going to swap Rowat

for the B and B.

PROF. BRADY: They have read Rowat anyway.

THE CHAIRMAN: It all depends whether this is tantamount to it becoming public, in which case you are getting into a whole general principle of making public your information.

PROF. McWHINNEY: It is public anyway, is it not?

DR. FORSEY: No, it is not. A certain amount has leaked but the press has not got copies of it. They have stories about some things to which it pertains.

I think it ought to be clearly understood that the B and B people recognize this as confidential material. There are several coming to us that I presume to be highly confidential and I think they had better be sure and clear about this, not to go blathering to the press about it, as I have reason to believe the press has got hold of it already. The answer is "no comment". We have nothing to say.

PROF. McWHINNEY: You are going to run into troubles. I have seen a good deal of their stuff in various capacities, and they have circulated it massively, even without publishing it. This is a family group here and you can keep things confidential, but B and B must have sent out about a thousand copies.

DR. FORSEY: Surely they have done it on

this basis.

PROF. McWHINNEY: On what basis?

DR. FORSEY: That the thing is not supposed to be communicated to the public.

PROF. McWHINNEY: They didn't even put that in their letter to me.

DR. FORSEY: They didn't say in the letter to me.

PROF. McWHINNEY: But I assumed it.

DR. FORSEY: I assumed it. I have commented in private conversation to people on odd things I found, and said how good I thought the general stuff was they handed to me and that sort of thing; but if the press had said to me, "We understand you have a copy of such and such. What does it say?", my answer would have been: "Go chase yourself".

PROF. McWHINNEY: My research assistant quoted to me from some B and B documents. I asked him how he got them and he said they are generally available.

PROF. MEISEL: Most of the B and B stuff is not circulated anything like as widely as this. I think what Eugene received is some of the things that are being published by the Commission, not the report but their research papers are being sent to various people to act as readers for the publication; so, of course, you have got to circulate these things if you are going

to get the opinion of scholars in the relevant areas. I think some of this stuff has reached people outside, but most of their material has not been reproduced in large enough numbers to permit wide circulation.

THE CHAIRMAN: What is the qualitative nature of the exchange likely to be? Are we likely to get anything better than we have now in the Rowat report on this?

MR. STEVENSON: A lot more information.

PROF. MEISEL: A great deal more information. They do not have anything like the Rowat report which is sort of a complete case, as it were, but they have a great many background papers on different aspects of this problem which I think would be very useful and would complement the Rowat report.

PROF. McWHINNEY: The analysis leaves a great deal to be desired, but some of the detail is good.

THE CHAIRMAN: I must say one thing I have never been clear about in my own mind on this question -- and it relates to what you have been discussing today about the bilingual districts and so on -- is what objectives one is seeking to serve in the Federal Capital Territory proposition.

It seems to me there are a number of objectives which are not necessarily mutually exclusive. You might be attempting to achieve

an administrative improvement of a regional government nature; you might be seeking to achieve a national capital which has symbolic value and perhaps functional value; you might be attempting to make one of the grand gestures which was held out to us in Kingston, to the bicultural nature of the country; or you might be attempting to achieve a more efficient bicultural bilingual focus in which case the question becomes: "Can you do this as well or even better through tackling the requirements of that kind of thing directly without going through the form of change?"

I don't know if I am alone in wondering about the question here. There has been a lot of talk about the question. I have never been certain in my own mind that the objectives have been clarified and that the issue has been dissected.

DR. FORSEY: It seems clear to me that the first you mentioned is not primarily the business of this Committee. I don't suppose we can avoid taking a sidelong look at it, but the efficiency of the municipal government of the Ottawa area is not a problem for the Ontario Advisory Committee on Confederation. The other three aspects of the thing I think are perfectly relevant to our terms of reference. I don't remember whether you were here for the Committee's discussion of this in general or what point you

went out.

THE CHAIRMAN: No, I wasn't here today on this.

PROF. McWHINNEY: We went over all these things.

DR. FORSEY: There was a general feeling I thought, that it looked as though for the moment the pursuit of a federal district was not of very high priority, in view of the attitude that quite clearly the Quebec Government seems likely to take at the moment; but that there was some urgency about the Province of Ontario setting to work to do something to make Ottawa and the Ottawa district, as far as the Ontario side is concerned, a place where French Canadians would feel at home and something like a bilingual national capital.

THE CHAIRMAN: This is what I was wanting to get at. In that case, next, have we evolved any general set of propositions or even aspirations that we could put forward to the government?

DR. FORSEY: I should not have been usurping the functions of the Chairman of the committee a moment ago. I cede place to the Chairman. What conclusions, Mr. Chairman, would you say we arrived at on this?

PROF. McWHINNEY: You have stated them just now.

DEAN LEDERMAN: I think you have stated

them quite well.

DR. FORSEY: About what should be done next?

THE CHAIRMAN: That is right.

DR. FORSEY: I think the Chairman was saying what line should be followed.

DEAN LEDERMAN: My impression was, our consensus was that the Ontario Government should now press on with making Ottawa a better place for French Canadians, put it that way, as a matter of its own policies and as a matter of carrying on with the things that are within its own control; and that this will have to be linked with the same sort of development in other French areas of Ontario which have been identified for us in these studies.

DR. FORSEY: With, was it not, roughly 15 per cent and up of French mother tongue?

MR. STEVENSON: There was the question whether the two should be simultaneous or whether Ottawa should be tackled first. I think there was a feeling that the policy on the whole should be pretty well decided in advance of the action, but that Ottawa should probably be tackled first as part of the grand gesture.

DEAN LEDERMAN: Tackle Ottawa first, on the understanding that the rest is going to have to follow, because Mr. Gathercole (who has left) made the point that you are not going to be able

to do these things in Ottawa and refrain from doing them elsewhere for very long.

THE CHAIRMAN: This question has interested me for some time as a tactical matter. To what extent is that true? Really it depends, I suppose, what is the context within which you are doing this in Ottawa. If you are doing it in the sense of recognizing that although Ottawa is in Ontario territory you want to confer upon it some added distinctions as a national capital, then perhaps it is possible. I don't know.

MR. STEVENSON: If you follow, Mr. Chairman, the philosophy which Mr. Robarts outlined in his speech on the question of the home of French Canadians and so on, I do not think you can, in logic, deal with Carleton or Ottawa alone without taking similar steps in particularly places like Prescott or Russell county, where the percentage of French Canadians is much higher.

DEAN LEDERMAN: I think we were convinced of that.

THE CHAIRMAN: That is why I wanted to get to that point. It seems to me that our essential concern is with the Franco-Ontarian community and not with Ottawa as such.

DEAN LEDERMAN: Both.

MR. STEVENSON: Timing can let you do both.

DEAN LEDERMAN: It can serve both.

DR. FORSEY: It would be an act of faith on Ontario's part in the future of a single real Canada but not an English Canada with room for French Canadians on a reserve; the two things would be part of a package where in effect the Ontario Government would be saying: "All right, there are apparently all sorts of difficulties in the way of a National Capital Territory. Apparently the Quebec people will not go in for it at present at all events and, of course, the local people are not very enthusiastic about it. However, we are going to reassure you. We are proposing as an earnest of our belief in a confederation in which the French Canadians would be real partners, and as a matter of fair play and justice to Franco-Ontarians we are proposing to do these things."

I suggested that this should be part of the grand strategy of dealing with Quebec in future, and would strengthen the hand of people like Marchand and Trudeau in the Dominion Government who could say: "Well, you can see they are not even asking Quebec to do this, but they are prepared to do these things as a matter of decency and fair play and as an earnest of their being really anxious to get somewhere in this" - not a business of just swapping a quid pro quo, but it is an act of faith.

DEAN LEDERMAN: One point that was made was that this may speed things up in the Ottawa area, that you might find the Federal Government willing to subsidize, to help with the financing of changes of this type, without interfering with the provincial jurisdiction; that if the province will undertake to do things that are, by their nature, costly, towards this end, the Federal authority may well be prepared to help finance it, to do the same for Quebec if they would make parallel movements on the Hull side.

I understand Hull has been pretty badly neglected by the Quebec Government as far as its educational facilities are concerned, and Federal subsidies might be very welcome there.

THE CHAIRMAN: I gather there is a prevalent feeling in that direction, although the next point is yours, Cliff, as far as this becoming a matter by legislation.

MR. MAGONE: I think I said that I thought things should be allowed to develop as they have been developing in relation to the education of French people and in relation to what Mr. Robarts has said from time to time, how you propose that the programme should develop in a bilingual way so that there would not be pockets of French-speaking and only French-speaking children all over the province or in different

areas of the province; and that in my opinion it was not necessary and not desirable that there should be legislation on the subject.

DR. FORSEY: I personally am not wedded to the idea of doing it by legislation. I think it can be done more easily and conveniently by administrative arrangements. It occurs to me, however, that in the light of what happened with Charlotte Whitton as Mayor of Ottawa, there might be a necessity for at least permissive legislation for certain things, so that it would not be possible for the Mayor of a place like Ottawa or Sudbury or Cornwall to say: "We cannot do this thing bilingually. It is against the law of the Province of Ontario".

MR. MAGONE: Did Charlotte state ---

DR. FORSEY: Yes, she did.

MR. MAGONE: They didn't do that in Eastview. They held their meetings in French in Eastview.

DR. FORSEY: I won't say you have to have legislation for the sake of having legislation, but in some instances it might turn out that legislation was necessary and I personally would not balk at it.

THE CHAIRMAN: Legislation if necessary but not necessarily legislation.

MR. STEVENSON: Mr. Chairman, I am

convinced personally that any concept of bilingual district really depends on legislation or some kind of infringement of local autonomy; because the problems have been in the past that what relatively slow steps have been taken in the voluntary process have almost always been blocked at one point or other by the local Council or the local School Board or any of the existing groups in authority at the local level. We get them using the argument that it is not legal. Maybe it is a question of financing.

THE CHAIRMAN: This goes back to your earlier suggestion, therefore, that this is a thing that would be better done in the Legislature on a non-partisan basis?

MR. STEVENSON: I think it would have a good bit more chance of acceptance if one could convince the leaders of the three parties involved to jointly sponsor it.

PROF. MEISEL: Mr. Chairman, it seems to me we have opened up today a very large number of issues which are exceedingly important and on which we must do more work.

I think that whether in the end the action that is necessary or that we think necessary, is undertaken by legislative means or by spending money without changing statutes, this kind of question I think we should leave to the end. It seems right now we ought to decide on the proper

procedure for finding out what we think should be done in substantive terms, not legal forms of it. What we have decided what we think should be done - for instance, we have not yet decided whether these districts are a good idea or not, or what this would really mean or in what areas of life there would be implications resulting from the acceptance of the principle of districts.

I think we ought to look at each of these problems and then when we have decided that something is desirable, then we can ask ourselves: "Does this require legislation, does it really require setting up of committees within the existing framework?" and so on.

MR. MAGONE: When I said "legislation" by the way, I am talking about statutory legislation not regulations.

THE CHAIRMAN: Not regulation, no.

PROF. MEISEL: No.

THE CHAIRMAN: Then I would agree with John, and the next question is the method of getting to work on this. A lot of these things, I presume, should be put together in the form of position papers by the staff here, that can be analyzed and carried forward by the Committee. We have got lots of material certainly.

PROF. FOX: That is why I suggested that maybe we should try to make some smaller part of this plenary Committee responsible, because I think

it is a sound administrative device, to reduce the responsibility to a smaller group and have them report to all of us.

DR. FORSEY: Oh, yes.

PROF. FOX: I think your point about the need for speed is very relevant, if the Department of Municipal Affairs is trying to work out policy.

THE CHAIRMAN: They are trying to work out policies. Education and the Prime Minister himself have certain thoughts, and the B and B Commission will report.

DEAN LEDERMAN: This is with specific reference to the French Ontario problem?

THE CHAIRMAN: Yes.

PROF. FOX: Could I propose something for consideration, that is, that we might ask somebody such as Eugene if he has the time.

DR. FORSEY: He has not.

PROF. FOX: To prepare even a draft or to turn it to a sub-committee that could.

DR. FORSEY: I must beg off. I have a May 15th deadline for a book which is not quite half written.

PROF. FOX: I am glad to hear you are in that problem too, in the same parlous state as the rest of us. I thought you always had things done.

DR. FORSEY: Among other troubles.

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PROF. MEISEL: Mr. Chairman, I wonder if, failing the ability to get some one person to undertake some of this work, whether the cultural committee or another committee or an ad hoc sub-committee should not meet at least once and prepare really an agenda of the problems that have to be looked at, that is, a catalogue of problems and a statement of what kinds of decisions have to be made and how we are going to get the information required to make those decisions.

Then we can decide whether, for instance, we might want to hire two or three expert people for the summer. This is the kind of thing that graduate students could do quite a good deal of work on, to put together certain desiderata for us to examine either in the summer or early in the autumn.

PROF. McWHINNEY: You are speaking of the general programme rather than specific.

PROF. MEISEL: Ottawa and district.

PROF. McWHINNEY: Ottawa district only? I sort of noticed in the more general
in
thing that where/the cultural committee in a way, the work has come to, you might say, certain finite conclusions and certain obvious
it
recommendations, in a way /seems to me the work of the constitutional committee was much less

programme-oriented. One of the points I meant to raise was whether we should be -- in the report I have just done, which I hope is in your hands ---

THE CHAIRMAN: It came in yesterday, thank you.

PROF. McWHINNEY: I raised the possibility -- I wasn't recommending the particular studies but raised the possibility of your wishing to review the problems of political civil rights, as Quebec is doing, as part of a general programme of law reform, including the review of the Civil Code or the whole private law section as such.

I was not suggesting it should be done, but there are advantages to contrasting to see particular approaches in the context of a total point of view or programme which, in the cultural committee, in a way, this has been done. It seemed to me though a finite sort of thing.

THE CHAIRMAN: Certain conception of the development of the country.

MR. STEVENSON: Mr. Chairman, just one thing that I think a great part of the resources of the Federal-Provincial secretariat can be put towards this, and I would hope before the next meeting to give a bit more information. I think it is fairly clear what is required, although I think obviously a sub-committee would help very much by meeting and laying down a little

specifically the questions; but I am a little bit leery about talking of doing a lot more in the summer and not making decisions until the Fall. Personally I feel that this Committee as a whole should very definitely be making firm recommendations to the Government this Spring, or before summer, for a good number of reasons.

One, I think that if this idea of the "Confederation of Tomorrow" conference is to go through, that I would very much like to see some Ontario Government specific action prior to such a conference, which would, I think, go a long way towards helping the success of such a conference.

Secondly, I think the things that you mentioned, Mr. Chairman, about matters affecting timing really demand some kind of decision or action prior to the end of what would not be until the end of the year if there were to be decisions based only on work done over the summer.

I can see certainly enough broad research work completed within the next couple of months to make some pretty broad recommendations quite feasible, and with enough information to back them up.

DEAN LEDERMAN: Could we put it this way, Mr. Chairman, that the secretariat press on with these research projects in the order of urgency that we seem to be satisfied they should

enjoy; and that you, Mr. Chairman, summon in special meeting any members of this Committee who, you think, can help in the form of sub-committee between our regular monthly meetings. I do not think we can actually sit here now and successfully put up sub-committees topic by topic that could help you, but if the material on the Federal Capital District rather builds up in the next couple of weeks, you gentlemen might very well say to yourselves: "Well, we had better get DR. Forsey and Dr. Brady in here anyway to have a look at it".

DR. FORSEY: I would like to beg off. I have really got far too much to do, and I am rapidly losing my wits as a consequence. I would be inclined to suggest that for these purposes the sub-committee should consist of people who are in Toronto and can be got at very easily and quickly by telephone.

My own immediate suggestion -- I think Mr. Magone is going away shortly and perhaps he is not available, but I think if you had Alec Brady and Paul Fox and possibly John Conway ---

THE CHAIRMAN: You are available, I suppose, or are you off somewhere too?

PROF. CONWAY: No.

DR. FORSEY: I should spare your blushes, but you are three highly knowledgeable and sensible people who would be able to do quite

as much as anybody outside.

I am flattered by the suggestion that I would be of any special use on this, and I rather doubt it, but I know I am overburdened now and cannot take on any more. I carefully considered coming today because I had so much on hand.

DEAN LEDERMAN: Without other members from Ottawa, on anything connected with this, Mr. Seguin would be a very valuable person to get in too, but his time is heavily committed.

THE CHAIRMAN: I would like to propose and, with respect, John, as Don said, I think one would like to move this along at least for the April meeting, you know. I think this is the time we should be dealing in, and I think that our staff in the secretariat can carry this on very well.

I would think that if we could ask Messrs. Conway, Brady and Fox to be a steering committee, so to speak, for the secretariat, in consultation with Mr. Seguin as need be, it is easy enough to do that by telephone or even to meet with them quickly, it might be the best arrangement.

PROF. McWHINNEY: You almost need some policy guidance. I think this was the thrust of Don's suggestion. In a way, of course, individual research projects taken together shape

policy recommendations, they give the information on which you make policy decisions, but in a way you almost need now (and perhaps enough work has been done already) to sort of try and shape up a general structure of recommendations to make to the Premier.

I know from these press reports, without any foundation as far as this Committee is concerned, that one of the intriguing things in this discussion of Mr. Pearson's task force, the Quebec and Ontario one, is that Mr. Pearson made statements that he is awaiting to hear the results and the recommendations of the Ontario group.

Now, the Quebec group very definitely were summoned to make them, the two levels, detail level and publication in aid of it. B and B, ^{which} did not have any purpose to make specific recommendations, is going to be book form of publication.

I suppose after two years we might be near the stage, not merely in the cultural area but taking our Committee as a whole, we should be near the stage of having a certain philosophy, if you wish, or certain approach.

THE CHAIRMAN: Yes, if you want to have a quiet and private ceremonial libation of some kind, I remind you that the second anniversary will be February 24th, which is near to the present.

DR. FORSEY: As far as the Ottawa business is concerned, it seems to me that the members of the secretariat were present today and they have a very fair idea of the trend of the discussion and what they need to get. Then when they have got a certain amount of it, they can consult the three members who have been named and let them take a look at it. They can say: "You have a sufficiency of this and that" or "Haven't you got more than that?" or "This was not necessary to proceed much farther".

Then at the next meeting we can get the essence of the work they have been doing, and we can take some kind of reasonable decision. We cannot work it all out in immense detail at this stage, but I think on the other hand, especially with this conference possibly coming
9 along fairly soon, we had better try to have something ready to present to the Premier at a fairly early date.

The other thing I want to raise on this score is the question of these jobs that we were asked to do, a number of us on the constitutional committee, some time ago, having a certain urgency about them. I have been very apologetic about submitting my bits of it as late as I did, and they came in ahead of other people's at that.

I do not know whether this matter is really urgent or not, but if, for example, on the

agenda of the "Confederation for Tomorrow" conference there is going to be any discussion of associat states or special status for Quebec or anything of that sort, I think the Premier had better be primed; and while I should be pleased to think that what I did by way of position paper might be useful to him, I think he ought to have much more than my individual opinion. I don't care a hoot whether my comments go into the wastepaper basket or not (I have already made use of the material from them in other ways individually, so there is no skin off my nose); on the other hand if matters are likely to come up, if they are urgent, then I think the Premier ought to have the benefit of what the Committee in general thinks on these subjects and know either that the Committee thinks that in general, for example, I have taken a reasonable line on this or I have got 10 per cent reasonable, 90 per cent non-reasonable or whatever.

DEAN LEDERMAN: It is true, we are pretty close to having covered that line of original constitutional topics.

THE CHAIRMAN: I was going to say.

DEAN LEDERMAN: Prof. McWhinney's paper is in. Yours is in.

DR. FORSEY: Watts' and Creighton's are not in.

DEAN LEDERMAN: No, but Watts' paper

is on the way, he assures me. It will be in shortly.

THE CHAIRMAN: That was really a package of thought on the whole constitutional area.

DR. FORSEY: We have taken up now Don's paper on constitutional power, which I think was part of the same package.

DEAN LEDERMAN: Yes, and he finished that off with something on delegation.

DR. FORSEY: But should we necessarily wait until Watts and Creighton's papers are in before we look at the rest, or should we be getting at the stuff that is there sooner?

THE CHAIRMAN: I would think we had better be getting at them because I don't know frankly what the intentions of the Federal Government are with respect to this task force they have and so on. One of the difficulties here, frankly, is that, as Ted implied, they are waiting to hear from us and waiting to hear from Quebec, but then when they do hear from us first it unsettles them, you see.

With great respect to the Federal position, Mr. Robarts said no more in his Speech from the Throne than he said it directly and to all heads of government in the last day of October, the last day of the meeting in October.

Subsequently I had discussion with Federal officials, and I went as far as one can go

to plead with them to take the initiative to get on the job, to get these issues on the agenda and to do something about it, but that did not seem to provoke any response. Now I am not sure what their intentions are. They have a task force on constitutional matters. Then they may regard the B and B Commission as their substantial piece of work and contribution to the thing, but I don't know where we are really getting on the business. Maybe we are not supposed to be getting anywhere.

PROF. McWHINNEY: The Premier probably, you see, would have to take a position. The position may be to take no position, to approach each problem ad hoc, on the basis of experience as it comes up and the particular problem, but by and large I think if anybody is going to take the initiative on this matter, from what John Beetz has been doing and Trudeau, that it has got to come from the big provinces.

In a way somebody needs to synthesize Premier Robarts' position for him, and in general I assume that is what the Committee would be doing - not putting words in his mouth but setting out conclusions and comprehensive philosophy, comprehensive approach on federalism as we see it in the light of our experience. You may disagree or agree, but somebody has got to relate our position on constitutional amendment, the Supreme

Court and bilingualism on the whole into some sort of comprehensive study.

You see, B and B are going to publish a great deal of individual volumes (I have seen half a dozen things that will be books if they publish them) and they scatter like a scattergun all over the piece.

The Beetz Commission got scared, or at least the Prime Minister got scared when there was that criticism of the study they had started on the economic consequences of Quebec separatism and they projected ahead what would happen to the economy of Canada if Quebec went out. Immediately it got into the press they seemed to get scared, and they have disbanded that study, it has been terminated.

THE CHAIRMAN: But the Quebec civil servants are studying it themselves.

PROF. McWHINNEY: Quebec civil servants are studying it themselves and I suppose in a way we are too, rather informally.

DEAN LEDERMAN: This is the old issue, are we a Royal Commission moving towards one report, or are we not?

PROF. McWHINNEY: I think now we have the Premier's "Confederation of Tomorrow", I think we have an obligation to try and synthesize our experience and to get into detailed recommendations, reasoned recommendations that the Premier can accept

or reject or can look at for information.

DR. FORSEY: For that purpose I suppose that when the time comes we may have to arrange to take a couple of days, because we may have a job on our hands so big that we really need to go on for two days in session, not take it for one month and finish up next month. I am afraid we will have to prepare for something of this kind.

DEAN LEDERMAN: This conference in the circumstances is not likely before Autumn, is it?

THE CHAIRMAN: The conference, in Mr. Robarts' intention was never that it would be or could be before October and November. The various objections which the Federal officials have recited to him, the first one they placed is that they have got to receive some sixty-seven heads of State between now and the end of the year and there will be no time.

PROF. McWHINNEY: Saudi Arabia, Venezuela --

THE CHAIRMAN: I don't know. I thought that was what Mr. Chevrier was for.

DEAN LEDERMAN: The Governor General.

PROF. MEISEL: Mr. Chairman, I wanted to say one thing about Ottawa before we got into this broader issue, and I think I would like to say it even though we have gone somewhat beyond it.

I think it would be very useful if

Don Stevenson wrote a position paper based on our discussion today, in which he would summarize the various suggestions that he recalls were made about Ottawa and the principle of districting, and in which he would make a list of the questions on which he thinks this Committee should come to a decision. This I think would then permit us to act pretty fast. I think he has got this thing very well in hand, and I noticed he was making copious notes earlier.

MR. STEVENSON: Not that copious.

DEAN LEDERMAN: I think there is a reasonable consensus shaping up, and with just a little focusing we have it.

PROF. MEISEL: I have never seen the Committee so unanimous as it was this afternoon, and I think it would be well to record it. It is unfortunate we did not have our scribe with us.

THE CHAIRMAN: Maybe we had better not change the air conditioning.

PROF. BRADY: An excellent suggestion, Mr. Chairman. I second that.

PROF. McWHINNEY: You mean the air conditioning?

PROF. MEISEL: No, the Stevenson ---

PROF. SYMONS: Hear! hear!

THE CHAIRMAN: I gathered this, and I think that is a welcome suggestion.

PROF. MEISEL: If I could move on to

the point that the constitutional people have been asking about, it seems to me they are quite right, and we ought to sit back and take stock from time to time. I think we are quite different from the other bodies that were mentioned, in that I view our role as being a sort of continuing advisory body which has to give advice as problems arise. At the same time, we should become cumulative, and not only building up a bit of knowledge but also a certain consensus which we may have to revise from time to time, or certain decisions which some of us may have to revise, but which nevertheless we can transmit to the government with our reasons for holding those views. I think before an autumn conference this must be done.

It is at this point that this thing should really pay off, and I don't know whether this is silly, but I wonder whether we shouldn't perhaps plan a month or so before the conference to have a two-day session, at which we really pull together all the positions that we have taken and try to work out a coherent position, in which the works of the three committees are to some extent co-ordinated, or that their views are co-ordinated, if possible, and if not we should state why they cannot be at that time.

DEAN LEDERMAN: Dissenting opinions should be allowed.

DR.FORSEY: Why, of course.

PROF. McWHINNEY: It may be a bit late if the Premier has to help with the agenda, with position papers in advance.

DR. FORSEY: I think we had better do something of what John Meisel suggests well in advance of the conference; if only because the government, having taken a look at some of this, might say: "Look, this is incomplete. This we think is important, but we want further documentation on this" or "we don't like this, why can't you consider the possibility of this?" They might have a number of references back to make, and we might find that we had some extra jobs to do rather at the last minute.

THE CHAIRMAN: I think we might take a couple of days in the Spring either in the Laurentians or Murray Bay or somewhere. That would throw the press into a speculative mood.

PROF. McWHINNEY: The Laurentians are an excellent idea.

DEAN LEDERMAN: How about James Bay?

PROF. MEISEL: Quebec City?

THE CHAIRMAN: Quebec City, for sure.

MR. STEVENSON: That brings up the possibility that some people who were at the meeting at Kingston from Quebec had mentioned: the possibility of a return engagement some time in the future, at the calling of the Quebec people.

DEAN LEDERMAN: I think before a return engagement, we should try to have a corresponding meeting with the Federal technocrats.

DR. FORSEY: If we receive an invitation from them, I suppose we must show that there is Anglo-Saxon as well as Gaelic politeness but I think I had better provide myself with a good stock of sedatives before I go.

PROF. McWHINNEY: If it is a meeting with the Federal people, after Mr. Robarts' experience you have got to wait for them to invite you and not initiate it.

DR. FORSEY: I don't know. Surely we might make some kind of anniversary confederation approaches to them, whom all of us know: Is there any possibility of having a private, informal non-meeting?

THE CHAIRMAN: I have a slight reason to believe that they would be a little fearful of this now, lest it appear that this was indeed tantamount to a commitment on the federal government's part to participate and to prepare for it -- all of which proceeds on the assumption, for some reason, that these things cannot be kept private and out of the newspaper.

DEAN LEDERMAN: When more than two people meet ---

DR. FORSEY: Alternatively, is there any possibility that two or three people from this

Committee might get in touch with some of the people they know on that task force? You know Beetz well. I only know him slightly. I know Pierre Trudeau well. Is there any possibility that two or three or four of us might lunch some day with them in Ottawa and have a general talk about these things, to see what we can pick up, and what they can pick up from us?

DEAN LEDERMAN: Gordon Robertson is chairman of that group.

PROF. McWHINNEY: No, Trudeau is chairman, though we have got them mixed, technical and political.

DR. FORSEY: I know Robertson pretty well, I know Trudeau well. I know Beetz a bit.

PROF. McWHINNEY: You are not suggesting that you have Trudeau present? In that case you are going to either have to have Mr. Robarts ---

DR. FORSEY: He is not from the government.

PROF. McWHINNEY: Parliamentary Secretary.

DR. FORSEY: If you are just having lunch with four or five people, this is the kind of thing you might reasonably do.

PROF. MEISEL: I dissent, Mr. Chairman. I think this is something we are all doing. We know these people, some of them, and I think as individuals most of us do have lunch with them from time to time and discuss things.

There is something to be achieved from being closeted in Downing Hall or some similar edifice for a day and a half, where I think you would develop relations. I have known most of the Quebec people before we met in Kingston, but I got some things out of this conference that I could not have got in any other way. We met the difficulty before. We met some of the old ones, some of the new ones. In this kind of formal setting you can do it now.

I do not think what Eugene suggested is a bad idea, but in itself I do not think it will take us far enough. We ought to try, if we can, to get the other.

DEAN LEDERMAN: There are two of us have to catch a train, if you will excuse us.

THE CHAIRMAN: Apropos of any meeting of Ontario and Federal civil servants, I have the impression that this might wait a little cooling out of the political air on the "Confederation of Tomorrow" conference.

DEAN LEDERMAN: Not appropriate right now.

THE CHAIRMAN: I think when things cool off a bit would be a time to reconsider that. Any other matters you want to raise?

--- Dr. Forsey and Dean Lederman withdrew.

PROF. FOX: I would just like to offer

one suggestion here, Mr. Chairman. I was going to suggest that we drop the idea of meeting with the Federal group and with the Quebec people for the next future while.

PROF. McWHINNEY: And the Quebec people?

PROF. FOX: And the Quebec people, and let things settle into place there, and instead concentrate on this earlier suggestion of preparing ourselves and our material for the "Confederation of Tomorrow" conference.

I would make this specific proposal for your consideration, that we aim now at devoting our May meeting to clarifying our views as a Committee in a preliminary way on a number of these topics that we have been over; then that we might consider for June a meeting with the Cabinet Committee, on which occasion we could get back from them some reaction to our preliminary draft of possible topics.

Then we would still have time after that meeting in June, to do any additional work and thinking that they wanted us to do before the date on which the conference might occur, or before a September meeting of our own group or another session with the Cabinet Committee.

THE CHAIRMAN: Did you say the May meeting would be our position-clarifying meeting?

PROF. FOX: Yes.

THE CHAIRMAN: It might have to be a day and a half or something.

PROF. FOX: Whatever we think necessary, but simply we would devote the whole session to taking item by item topics that we thought we might want to see on that agenda, and think about what our position is. Then in the intervening month following May, before the June meeting, we would get that into shape, either by asking people here to do preparation of this and that topic, a summary of their papers or whatever, or having the staff doing something of this sort, or a combined effort; then meet with the Cabinet Committee when they became ready as a preliminary draft of what we think of various topics; then get the reaction from them in June, so we would still have time to do something if we needed to think further before the Fall.

THE CHAIRMAN: That is a very good suggestion. While you are in the mood, have you got anything for March and April, if we could do a bit of planning here?

PROF. McWHINNEY: Would advancing it a month be more helpful?

PROF. FOX: You mentioned earlier something for March.

THE CHAIRMAN: I think I mentioned that I thought we could use a portion of that day for purposes of meeting with the Cabinet Committee

again. As you know, whenever we are meeting with them, I think it is as well for us to be as explicit as we can. We might be able to outline to them some of the preliminary thinking and plans at that stage.

11. PROF. McWHINNEY: Why not do it in this sequence? Preliminary meeting in March with the Cabinet Committee, in which you want, I guess, a guide line of their priorities in terms of making our synthesis of our experience, and April have our meeting, and the May meeting talk with the Cabinet.

PROF. FOX: Fine.

PROF. McWHINNEY: I mean, leaving it to June, you are getting pretty late. On the third Friday, I wonder if you will be sure of getting all the Cabinet Committee?

PROF. MEISEL: We should have a look at the Stevenson memorandum at some stage.

PROF. McWHINNEY: That will be sent to us and examined before next meeting, won't it?

THE CHAIRMAN: All depends whether you are going to have to meet with him on the hustings or not.

PROF. McWHINNEY: The June meeting is out if there is a general election. Possibly the May meeting is out.

THE CHAIRMAN: How does that appeal to you, Paul?

PROF. FOX: Fine, if we can have enough material. I imagine we would have enough in hand by March of papers that had accumulated, data, and so on that we could easily spend March doing something else. If you want to advance it, fine.

THE CHAIRMAN: Well, we will take that under consideration. We will look at the material and see how it shapes up. Any other matters?

Don, do you have anything?

PROF. FOX: We have not included in our discussion any of the items that you had under point 3 here -- fiscal and economic sub-committee. I don't know whether you had anything you wanted us to consider there that would be suitable for March, if a number of our economists are going to be back with us by then. It is a point we have not covered at all today.

MR. STEVENSON: By that time, Mr. Chairman, the Carter Commission report will be out. The Smith Committee won't probably, but there may well be some provincial implications there that the Government will have to make up its mind on.

THE CHAIRMAN: I have been thinking all along that this Committee would come into its own in helping us in this Department and the Government when these two documents were here, because there will have to be a great deal of study and consideration

and discussion of them in order to formulate our views.

MR. STEVENSON: The two members concerned will be able to speak freely.

THE CHAIRMAN: Yes, it has been rather interesting. We have had one member of each of those groups here, but they have certainly performed honourably in terms of their other responsibilities.

PROF. MEISEL: Vows.

THE CHAIRMAN: But as far as these questions go, Paul, these are matters that are of continuing consideration in the secretariat and in the Department here. I think the last one was the one that has some novelty to it as far as our discussions were concerned, but I don't think there is any urgency at this juncture on it.

PROF. FOX: Just by way of an insertion to guide us in future, it seems to me we work better in this plenary committee when we have a specific document to concentrate on, such as Dean Lederman's paper today or something specific like this problem of the Federal Capital, when we can really get down to it. I prefer really seeing an agenda based on that sort of material, if we can do it, for each meeting and that is why I think it is worth while thinking ahead and planning our course, because when we raise general questions we probably spend more time than we might

otherwise need to talking over some of the things that I think we are beginning to agree on in any event as a Committee, and we do not really need to take a lot of time doing that, and presumably we are going to get some of this material in in the near future.

THE CHAIRMAN: Yes. Well, any other business, or should we adjourn?

PROF. McWHINNEY: Adjourn.

THE CHAIRMAN: What time are you meeting this evening?

PROF. MEISEL: Six-thirty.

THE CHAIRMAN: Well, good luck.

--- The meeting adjourned at 4.25 p.m.

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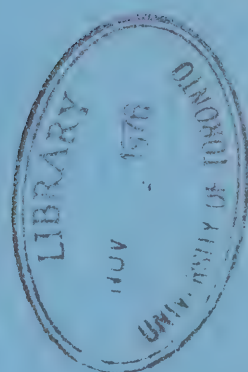
M E E T I N G

held at

The Frost Building, Queen's Park,
TORONTO

on

FRIDAY, MARCH 17, 1967



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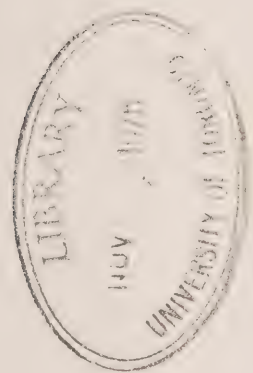
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FRIDAY, MARCH 17, 1967



ONTARIO ADVISORY COMMITTEE ON CONFEDERATION

Meeting held at the Board Room, 6th floor,
Frost Bldg., Toronto, on Friday, March 17,
1967.

PRESENT

Mr. I. M. Macdonald (Chairman)

Prof. A. Brady

Prof. J. Conway

Prof. D. Creighton

Prof. P.W. Fox

Dean R. Dillon

Mr. G. Gathercole

Dean W. R. Lederman

Prof. R. C. McIvor

Prof. E. McWhinney

Mr. H. Perry

Mr. R. N. Seguin

Prof. T. Symons

Mr. D. Stevenson)	
)	Co-Secretaries
Mr. R. Farrell)	

Mr. C. Beer

Mr. P. Venton

Mr. G. Posen

--- At 9.45 a.m.

THE CHAIRMAN: I think we had better begin as we are. I have one or two things to report upon to you. First of all, I might report that following the request of the Committee, I did write on behalf of the Committee to the Prime Minister expressing our wishes for a speedy recovery and an early return to full activity. I had a letter back almost immediately from the Prime Minister, who was at that time convalescing, expressing his appreciation to the Committee for its thoughtfulness, and saying that during his convalescence he was devoting a good deal of his time to reading various Confederation Committee papers.

In particular he referred to a debate that is to take place in the Legislature, saying that the debate, when it comes up, he wants to be a good one; that he also wants to press on with his Conference, although the timing and approach will be a little delicate.

Secondly, regrets for the meeting so far are from John Meisel who will not be coming today, and from that fortunate individual, Cliff Magone, who is in Florida. Those are the only communications I have had.

We have circulated today Mr. Greer's article in the Kingston Whig Standard, to which

there was some reference at the last meeting.

I have heard absolutely nothing here, official or unofficial, following that article, and I imagine, like most other items of short term interest, it is in the newspaper archives and that will be the end of that.

When Mr. Stevenson and I were in Quebec City last week, we mentioned the existence of this article to Mr. Morin, who had had no conversations or communications from Mr. Greer, nor had any of his colleagues, so far as he knew. So the original sources remain unknown, and I do not think it matters very much.

Now, the research policy sub-committee held a meeting following our last full meeting one month ago, and certain instructions were given to the staff here to follow up with respect to two matters. I might ask Mr. Stevenson to report on the state of those two matters.

MR. STEVENSON: Mr. Chairman, the first was the question of Dr. Rowat and the further study. He had suggested, you may recall, that if we wished to follow up he was quite prepared to do a report on problems relating to Federal Capitals in other countries. On the other hand, there was a general feeling in the Committee that it would be more relevant to this Committee's work if at this stage follow-up work concentrate around other methods of reaching the same goals which he outlined would be

the purpose of establishing the Federal Capital Territory, particularly methods which fell within the responsibility of the Government of Ontario.

So a letter was sent to Dr. Rowat suggesting that this was the Committee's main priority at this stage, and that we would be very happy if he would consent to undertake a study along this line during the summer.

PROF. CREIGHTON: Will you repeat the nature of the study again, Mr. Stevenson.

MR. STEVENSON: The purpose of the study would be to investigate in greater detail methods for achieving the main goals for which a Federal Capital Territory would be established, but those matters coming under the jurisdiction of the Province of Ontario.

PROF. CREIGHTON: Thank you.

MR. STEVENSON: We did add at the end that the Committee would be willing to support to an extent a study of the problems of Federal Capitals in other countries, if he did not feel able to carry out our priority suggestion. So far I understand there has not been an answer to that communication.

THE CHAIRMAN: No.

MR. STEVENSON: The second matter was in connection with a series of radio broadcasts over station CJBC Toronto, which had been in progress

during the Fall and Winter, by Professor Bernard Benoit of the Faculty of Law of the University of Ottawa, on the Franco-Ontario communities, their characteristics and problems, particularly in southwestern Ontario -- roughly the area southwest of a line drawn from Kingston to Midland.

He spent a considerable amount of time, particularly during the summer of 1966, interviewing the leaders of the Franco-Ontarian communities throughout southwestern Ontario, investigating them in terms of problems of migration, where they came from, ability to hold language, education questions, cultural questions, business questions, religion, impact on politics - really about the most thorough study that we had seen in any reference to so far. The radio broadcasts themselves were a series of twenty-six broadcasts of fifteen minutes each. We made an arrangement with Professor Benoit to send us tapes of these broadcasts, as well as a considerable amount of background material which he prepared during the course of his background preparation. This included interviews with large numbers of citizens, also a study of migration of French-speaking peoples in southwestern Ontario from other parts of Ontario, from Quebec and other places, based on unpublished break-outs in D.B.S. data.

Then he will be doing shortly after we do get this material, we discussed the possibility of some further work on matters relating more directly

to concerns of this Committee if it looked feasible from a study of his earlier work.

THE CHAIRMAN: Are there any questions on that item? Then there have been some discussions with Mr. Rathe and with others, on the question of the Ontario-Quebec cultural agreement, and I would ask Mr. Beer if he would give us a brief report on some of those matters.

MR. BEER: Last Friday there was a meeting in Ottawa with a group which is now called the Franco-Ontarian Cultural Study Committee, and this group was set up mainly at Ottawa at the University, but it is going to include representatives from the University of Sudbury. The particular interest of this group at the moment is to set up an inquiry into the participation of French-speaking Ontarians in the artistic life of the Province of Ontario. To this end, they have made a request to the cultural exchange programme asking for financial support to carry out this study. They hope to go into all the areas of Ontario and examine the Franco-Ontarian needs with respect to all the arts and the cultural field in general, and it is hoped that this study would take perhaps six months to a year.

This is now before the Cultural Exchange programme head, Professor Rathe, and it is hoped that this can be passed by the end of this month so that it will come in within the \$250,000 budget

of last year. So they are trying to get it passed as quickly as possible in order that the whole study can begin.

Also in Ottawa last Friday Professor Rathe and I spoke with members of the Department of External Affairs with respect to the general Canada-France agreement on cultural matters, and they were extremely pleased to see that there was a cultural exchange organism set up in Ontario. They promised full aid. They were very happy that there was a group here. So there seemed to be no problem with respect to jurisdiction and what-not.

PROF. McWHINNEY: You saved their life.

MR. BEER. I am sure there seemed to be a great deal of good feeling, and both sides promised to send all kinds of communications to keep everyone in touch.

They also mentioned at one point, which was interesting, whether Ontario wanted to sign an agreement with France similar to the Quebec one. Professor Rathe said that they certainly had not thought of anything along that line at this point, but the Federal people suggested that perhaps at some point of time Ontario may well want to do this, that it might be more efficient, but it was left at that.

I think those were the two main things. Professor Rathe also spoke himself to a member of the French Embassy with respect to teacher exchanges

and problems involved there, but I was not at that meeting and I think it was left at a fairly loose stage, with, again, the Embassy promising to help as much as possible.

PROF. McWHINNEY: There was apparently a team from External Affairs, the Quebec paper said twenty, which seems a high number, trying desperately to drum up Quebec involvement with External Affairs and this agreement. They were supposed to be visiting other provinces.

MR. BEER: Another chap we talked with in Ottawa was the head of the educational exchange area.

PROF. McWHINNEY: Who is he?

MR. BEER: It was Rene - the name escapes me.

MR. STEVENSON: Mr. Chairman, Professor McWhinney may be referring to the general, across-Canada tour of a group of new foreign service officers of External Affairs, who are in Ontario this week. The number is twenty, is it? They were in Quebec last week, and Premier Johnson spoke to them on Quebec's international aspirations. They may be the group you are referring to.

PROF. McWHINNEY: It is just a general educational group?

MR. STEVENSON: It is just for their education and edification about the feelings and

activities of different areas of Canada.

PROF. McWHINNEY: Johnson did speak to them a week ago in carefully selected terms.

MR. STEVENSON: That is right.

PROF. McWHINNEY: I suppose, in a way, since this is now a live issue in Quebec, one would have to be aware, if one took advantage of this umbrella agreement that Ottawa signed, that one is getting into what is now a very delicate Ottawa-Quebec area of contact.

MR. BEER: Certainly at this time when they were discussing that kind of thing, everyone was sort of smiling and chuckling, and it did not seem to be in the process of becoming a serious project for the time being, although the Federal people said there are many advantages to doing something like that under the umbrella; this could be very easily done, and their attitude was quite open.

PROF. CREIGHTON: Why do you think it would be a delicate point at the moment?

PROF. McWHINNEY: I am a great believer in not supplying footnotes where they are unnecessary. Ottawa is stressing the merits of having agreements as a method of demonstrating really that what Johnson is doing is not really novel. If we get the same result without agreements, I do not see why we should go that far.

I mean it only in that sense, that it

seemed to me that Ontario has been making arrangements without formal agreement, and if they are sensible and gain results, there is no need to escalate it into formal agreement.

Ottawa undoubtedly is pressing for this to meet the criticism that Johnson is breaking away here, and that with Johnson it is sufficient to say he is really operating under the umbrella.

PROF. CREIGHTON: It would be less of an affliction, therefore, if Ontario did the same.

PROF. McWHINNEY: Right, it would help meet the criticism.

MR. BEER: I should point out I discussed this with Professor Rathe up in Quebec City the week following the last meeting of the Committee, and he was under the impression that the Quebec people, particularly, the Cultural Affairs Minister, Mr. Tremblay, would want any kind of agreement with Ontario in the form of a written document, an accord or something of this nature. So that we may be forced into some kind of a problem here -- any kind of cultural or educational exchange.

PROF. McWHINNEY: That is a separate issue though.

MR. BEER: Right.

PROF. McWHINNEY: That would be the sovereign state of Quebec presumably dealing with a province. It is a little different from the sovereign state of Quebec dealing with another country.

DEAN LEDERMAN: The state of Ontario.

PROF. CREIGHTON: There is a sovereign state of Ontario.

PROF. McWHINNEY: If you wish to use the euphemism.

PROF. CREIGHTON: One is as valid as the other.

PROF. McWHINNEY: Except one puts it in an Act of the Provincial Legislature and the other does not.

PROF. CREIGHTON: It doesn't make any difference.

PROF. McWHINNEY: Euphemisms are like that.

THE CHAIRMAN: There is still another interesting point of conjecture certainly at the present time. I wonder a bit about the philosophy which certain people proposed from time to time that if Quebec is doing something that Ottawa is a little uneasy about, that the situation is improved if other provinces do the same thing, because it thereby restores uniformity. But it seems to me it assumes away the question of whether this is the direction you want things to go in the first place. I have been curious about that point for some time.

DEAN LEDERMAN: I would think, Mr. Chairman, the thing for Ontario to do is act squarely under the Ottawa umbrella fully and in good faith, and this makes it difficult for Quebec to do anything

else. I would put them in that position.

PROF. McWHINNEY: If one is getting perfectly adequate and legally proper results by perfectly legal methods, why should one escalate it into a major ---

DEAN LEDERMAN: I find it hard to speak in the abstract. Are you talking about the Hydro agreement with New York State or what?

PROF. McWHINNEY: No, I am talking of the cultural exchange programme. If we want to send teachers to the United Kingdom or France, you do not need a formal contract.

DEAN LEDERMAN: You don't need a treaty. You can go ahead under informal arrangements.

PROF. McWHINNEY: If that works, is there any reason to escalate the thing up?

PROF. CREIGHTON: Your point is the treaty already exists of which we can take advantage in the Province of Ontario.

DEAN LEDERMAN: Yes. I think we should acknowledge the primacy of the Federal authorities in foreign affairs and act under the treaty, since it does exist.

PROF. CREIGHTON: Exactly.

DEAN LEDERMAN: And provide that example to Mr. Johnson, not the other.

PROF. McWHINNEY: If you want to make a policy point like that, well and good, but one should recognize it is a policy decision to do

what is unnecessary in the educational sense, to make presumably a vindication of an abstract point of constitutional sovereignty. If it is done on that basis, it is another matter.

THE CHAIRMAN: The other matter which is of interest currently is that there is a great deal of testing of the water going on in the so-called gray areas of the constitution. I think the gray areas of the constitution are matters that we are going to hear a good deal of in the next little while. Two examples in particular that are pressing, and both concern Quebec -- manpower training agreement of the Federal Government in the first place. The Quebec people are very unhappy that Ottawa is persevering in this distinction which they regard as an artificial distinction between manpower training and education.

Secondly is the area of financial institutions, near banks, trust companies, loan companies, deposit insurance, etc. Here again Quebec is very, very restless. On February 10 Mr. Johnson proposed an immediate federal-provincial conference to clarify who was going to do what in this area, because of the urgency of financial pressures. By this he meant not a conference six months hence, but a conference next week. There was an emergency situation, and we had better decide who is going to do what, because all of these governments were in the business of

preparing deposit insurance schemes, and these schemes were going to affect not only uniformity but the practices of financial institutions. That matter is still puttering along, and there has been some reference to the prospect of a meeting in April, but it is symptomatic of what I see as a real problem in federal-provincial relations, and one in which (I am not being critical of the Federal Government here, because it seems they have got many, many other pressures upon them) I suppose unification of the Bank Act could bring the Government down at any particular time.

3 There are items of this kind, financial institutions, that come up, and I think many of the provinces, when they do come up, tend to want to meet, as I say, next week, to settle the matter.

The point of view, I know, always of the Federal authorities is, "Well, we are going to have to prepare ourselves for some months before we can afford to have a confrontation". This is a practical matter, but I think it is one of the greatest impediments to smooth federal-provincial relations right now.

PROF. McWHINNEY: Has the television issue come up as far as the Ontario Government is concerned?

THE CHAIRMAN: Not that I know of.

PROF. McWHINNEY: It has been raised again,

as you know, in the Quebec Legislature; apparently going to be a matter of priority.

THE CHAIRMAN: But this question of mechanics, techniques and provision for early action or provision for peace-keeping without there being early action, these are all matters that seem to me are grist for the mill for the Confederation of Tomorrow Conference, are good, hard questions.

MR. PERRY: Does this sort of delay, for example, in the area of financial institutions, imply that nothing is being done at all in the meantime; there are no consultations?

THE CHAIRMAN: There are telephone calls back and forth, but frankly the thing seems to go around and around the circuit. People call us from Ottawa and say: "What do you think Quebec is doing?" and Quebec call us and say: "What do you think Ottawa is doing?". There is simply no clarity.

MR. PERRY: I was calling Quebec yesterday to find out what Quebec was doing.

DEAN LEDERMAN: Last night's Montreal papers anyway carried the report of the new proposed Bank taxation and taxation on deposit-taking institutions in Quebec by the Quebec Government.

THE CHAIRMAN: This is common, I think, that everybody wants to avoid this.

DEAN LEDERMAN: This is an attempt to put pressure to get the conference on financial

institutions, is it not?

THE CHAIRMAN: This is the point. It is exactly the point that was raised, that people just cannot wait to put these things into effect.

DEAN LEDERMAN: I presume one can say this in a private meeting. I suppose the reason they can't wait is there are a number of shaky financial institutions around.

THE CHAIRMAN: Exactly.

MR. PERRY: Our government is more concerned in that than the Government of Quebec.

THE CHAIRMAN: This is the point that they have made, almost pleadingly.

DEAN LEDERMAN: I certainly got this impression from Mr. Parizeau in Kingston.

THE CHAIRMAN: There is no doubt this is exactly the point, and we were asked in fact to support this point of view, as Mr. Robarts did to Ottawa, and saying that he too felt that an early meeting was of the essence.

DEAN LEDERMAN: I think the Federal Government should plunge ahead, because here is a situation where a large measure of assertion of Federal authority is proper and is, I think, provided for in the constitution, and the situation is ripe for an assertion of Federal authority. It is the old story of the hotter the thing is the happier one level of government is to say it belongs to the other.

THE CHAIRMAN: The Porter Commission just about three years ago, as you know, proposed this, and I gather some of your colleagues in the Department of Justice in Ottawa have been in a state of anxiety on this issue for three years now.

PROF. McWHINNEY: Why? Because they might be asked to take some action.

DEAN LEDERMAN: I think you mean they think they do not have the authority.

THE CHAIRMAN: Yes.

DEAN LEDERMAN: I think they are wrong about that.

MR. PERRY: There has been a pretty clear map set out in the formula. The Minister Committee told the / in discussing the Bank Act, that it was proposed within a year or so to introduce a separate bill which would define for the purposes of the Bank Act what a bank is and what banking is, and he felt this was a proper way of doing it, rather than to get this issue all involved at the present time.

Then we were also assured that the Government of Ontario, British Columbia and most of the other provinces but Quebec, have indicated that as soon as the Federal deposit insurance plan is proclaimed, which will be fairly soon, apparently, that they will come in very quickly and bring their institutions in as well, their deposit-receiving institutions. So it almost boils down to the practical problem now.

THE CHAIRMAN: There is one thing left undone, and this is the problem that the Federal scheme will cover the cream of the crop, and the province will then be left to pick up all the very costly scrap, particularly, of course, in Quebec.

DEAN LEDERMAN: The British North America Act says the federal jurisdiction covers banking, incorporation of banks, issue of paper money and savings banks. What more can you say? Every deposit -taking institution, including credit unions.

MR. PERRY: This is the simplest definition of a bank which brings in everything under the sun. The question is whether you want to go that far. It brings in all your credit unions.

PROF. McWHINNEY: The delay is not due to doubts of constitutional definition; it is because it is a political hot potato and nobody wants to take the responsibility.

MR. PERRY: It depends just what you want to have regarded as a bank, this is the nub of the problem; because I do not think the Federal Government wants every credit union and every Caisse Populaire suddenly under its jurisdiction and having to have deposits at the Bank of Canada.

THE CHAIRMAN: This is the point. Quebec does not want to be left with having to run alone, or any other province, and very costly

certainly to separate themselves from a single system of deposit insurance control. This is one of the things this conference is going to have to consider.

DEAN LEDERMAN: That is my very point. Here is a situation where the financial and economic facts in effect say to Quebec: "Here is a natural situation for federal support, federal control".

THE CHAIRMAN: Yes.

DEAN LEDERMAN: You can't let the Federal Government insure deposits and not regulate and inspect . . . They wouldn't dare.

MR. PERRY: What impresses me, the Deposit Insurance Act has powers that are far more severe than the Bank Act.

DEAN LEDERMAN: This is the point. If Mr. Johnson wants federal financial support and insurance for the Credit Unions, he has to acknowledge this much federal control over them.

PROF. McWHINNEY: Is there a suggestion he will not? I got the impression from the Chairman here that the Federal Government understandably for obvious political reasons, does not want to get too much involved. It develops a power vacuum in terms of crucial social problems, and Johnson is in the position, because of his electorate, of having to move in if nobody moves in from the Federal.

DEAN LEDERMAN: Here we are worried about separatism, and here is a situation where the Quebec Government in very important ground, apparently is going to be willing, for the strongest of financial and economic reasons, to accept federal control. Why don't we rush towards this conference?

PROF. McWHINNEY: Because the Federal Government, frankly, won't act.

DEAN LEDERMAN: This proposal in Quebec to tax all deposit-taking institutions will move the thing along fast.

PROF. McIVOR: There is still the problem that the Federal Government is not likely to be willing to define banking in sufficiently broad terms that this will cover the whole range of institutions with which Mr. Johnson is concerned.

MR. PERRY: There are quite a few that do not accept deposits, as a matter of fact. Prudential was not a deposit -receiving institution, for example.

DEAN LEDERMAN: No. That is where you are moving into what Ian calls the gray area, the financial institution that is not taking deposits, that is not allowing chequeing accounts of some kind.

MR. PERRY: It is very much of a new animal that does not fit any of the existing

categories.

THE CHAIRMAN: Well, perhaps we had better move along. I have had a message from Dr. Forsey that his wife is ill today and he will not be coming. With characteristic modesty he says, however, that he does not think he has anything of substance to say.

MR. PERRY: He wouldn't want that recorded in the minutes.

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THE CHAIRMAN: I should not let our meeting pass without commenting on the fact that since we last met one of our members, Mr. Perry, has been propelled into the realms of notoriety since the Carter Commission has now reported. I don't know whether you have any comment from Mr. Fleming, for example, for us today?

MR. PERRY: No. I have yet to read or hear anyone make any statements which would persuade me very much that they are thoroughly familiar with the report.

PROF. BRADY: The report is too long.

MR. PERRY: With four years to conceive it, it deserves at least a week's reading.

PROF. McWHINNEY: Not to be read in a week.

MR. PERRY: No, the last time I read it myself it took me two weeks and I was skipping through.

PROF. McWHINNEY: A layman would take three months.

MR. PERRY: I think generally we have been quite pleased with the public reaction. People seem to be a bit excited about it, the concept. It seems logical. These fellows were completely academic, of course, and had no idea of the political realities etc.; but the fact was that fairly early in our deliberations, as any Royal Commission must, I suppose, we decided: "Are we politicians?". We asked ourselves whether we are politicians or people who have been instructed to look at the tax system, and we decided we would leave politics to the politicians.

PROF. CREIGHTON: Hear! Hear!

MR. PERRY: Our job was to put up proposals which we felt were defensible as tax proposals, and let the politicians do what they could with them after. So that is a sort of argument which does not cut much ice.

Another thing that has rather surprised us is the restraint with which the industries most deeply affected have received the report. One of the industries which is usually quite vocal - life insurance for example - is almost harshly dealt with compared to past practice, and as yet I do not think there has been a comment from that industry.

THE CHAIRMAN: Struck them dumb.

PROF. FOX: Haven't got their breath back

yet.

PROF. McWHINNEY: They do not read perhaps.

PROF. McIVOR: Meanwhile Mr. Fleming is speaking for them.

MR. PERRY: I think it is going to remain an interesting challenge for the Federal Government particularly for quite a while. There is quite a momentum in Ottawa behind the adoption of quite a few of the provisions. As most people know, they have seen drafts for some time, and claim now that they have even introduced modifications already to some of our proposals. It will be a very long range job though of implementation.

THE CHAIRMAN: Well, I think we might go into our sub-committees and resume here at 11.30. We are a little behind as is our wont.

I hope everyone did receive the note we sent out by special delivery that the Prime Minister wanted to have a session with us at four today, I think a preliminary canter at the Confederation of Tomorrow conference.

PROF. CREIGHTON: I didn't get that.

THE CHAIRMAN: It went out special delivery early in the week.

MR. SEGUIN: I haven't got it in Ottawa.

DEAN LEDERMAN: I got it about five o'clock yesterday afternoon, but I got it.

PROF. McWHINNEY: It came into Montreal at eleven.

MR. PERRY: Would this be about an hour?

THE CHAIRMAN: I would think it might be less than that, frankly, but I can't be certain.

DEAN LEDERMAN: I have to catch a plane at eight for Halifax.

THE CHAIRMAN: We will be through by eight. The constitutional committee here, Don?

MR. STEVENSON: Yes.

THE CHAIRMAN: The cultural committee in your office, and the economic committee in my office.

--- The Committee broke up into sub-committees at 10.30 a.m. and resumed in plenary session at 11.50 a.m.

THE CHAIRMAN: The item that we wanted to consider at this session of the plenary meeting, was the question of bilingual districts, and there has been circulated to you a draft position paper prepared by Mr. Stevenson, and I think Gary was going to make some preliminary comments.

MR. STEVENSON: Yes. What we thought, first, this paper which the Committee asked be prepared at the last meeting, tried to capture most of the spirit of the discussion at the last meeting and raised a number of questions in addition. I think that some of the questions it raises, there is a good bit more information available on them than are contained in here. The members of the secretariat, particularly Gary and Charles, have been contacting various departments concerned with

this kind of question, and we thought that at the outset Gary could perhaps report on some of the contacts that have been made since the last meeting.

THE CHAIRMAN: Would you like to come up here, Gary?

MR. POSEN: Charles and I visited the Department of the Attorney General and the Department of Municipal Affairs and Department of Education, just to acquaint them with the fact that we had started working on the bilingual district project.

In some cases the response was somewhat negative, although I had the feeling that once we talked to them for ten or fifteen minutes and they understood what our intentions were with bilingual districts, they became much more co-operative and provided us with some information which I think is very useful.

In the Department of the Attorney General particularly we were speaking with one of the Assistant Deputy Attorneys General, and he mentioned that the practice in eastern and northern Ontario is to appoint bilingual Magistrates, Court Clerks and other court officials. There also exist a good number of bilingual County Court Judges. So that in many cases these trials do go on and are conducted in French, with translators being provided when necessary.

In cases where appeals are necessary,

the transcripts must be provided in English for the higher courts here in Toronto. He was somewhat sceptical at the beginning about documents being printed only in French, because he felt that more centralization was taking place with documents across the province being registered here in Toronto and he felt that they were not capable at the present time of handling documents coming to them in English and either only in English or only in French. He did believe it was possible, if the document was published in English and French, then those who speak French in the local area could use the French section, if it had to be registered in Toronto, and there was also an English translation of it available.

PROF. BRADY: Do you think that feasible, two languages?

MR. POSEN: This is still something that we will have to decide, I guess, and how much is translated at the present time.

PROF. BRADY: I was asking about the man you were speaking to, what he thought.

MR. POSEN: He did, he felt that, yes, it was possible. At the Department of Municipal Affairs we were not able to gain much information. They did promise to check into the practices of two towns in particular, Eastview and Timmins, to find out just what they did provide for the rather large percentage of French-speaking citizens in

those towns. The officials in the Department of Municipal Affairs had the impression that in Eastview Council meetings were conducted in French and the problem there is to find out just in what language the minutes of the meetings were recorded.

MR. SEGUIN: They are in English.

MR. POSEN: They are kept in English.

Again, it is a problem of the Judicature Act requiring that all Writs, Pleadings and Proceedings before courts in Ontario be in English; and the Department of Municipal Affairs feeling that such municipal items might have to appear before the courts, therefore they should be in English.

Essentially this is the amount of material we have so far. Both of these Departments have promised to further research for us. The Department of the Attorney General is going to do a survey on the exact amount of bilingual personnel that they do have in eastern and northeastern Ontario, particularly in the nine counties and districts that were mentioned in our draft paper here. The Department of Municipal Affairs is going to look into the practices in Eastview and Timmins.

We have also sent a letter to the Department of Federal-Provincial Affairs in Quebec, requesting information from them on the bilingual practices that they have adopted in those areas of the province in which there are English minorities;

what services do they provide, what costs are involved. I do not know when we will receive an answer from them.

MR. STEVENSON: Last week when Ian and I were in Quebec City, we talked about this letter and follow-up with appropriate officials in the Department of Federal-Provincial Affairs, of inter-governmental relations. They were most enthusiastic to receive the request. They said that to their knowledge there was no full study of the actual practice carried out in Quebec. They do not even know of one for the B & B Commission, but I would have thought they would have had someone working in this area.

At any rate, they have promised to go into the thing in a good bit more detail, and the present man directly involved will be down in Toronto shortly, where we hope to have a more detailed discussion with him.

Mr. Chairman, do you think we might just go through the sections of the paper perhaps?

THE CHAIRMAN: Yes, I think that would be the procedure.

MR. POSEN: I think I might also mention the fact that we have these maps here along the side wall, showing for the northern part and the southern part of the province Franco-Ontarian population by ethnic origin and by mother tongue. I think they illustrate quite well the assimilation

process that has gone on in certain parts of the province.

THE CHAIRMAN: Does everyone have a copy of his paper with him on the bilingual districts?

PROF. SYMONS: Mr. Chairman, could I just ask a general question of Mr. Posen before we do go into the specific report?

In your enquiries with the Departments, you report that you found initially a somewhat negative attitude. There are two questions that come to mind. One is whether you could put your finger on the kind of thinking behind this initial negative response. Was it formulated at all or just doubt and inertia and distress at the notion of more to do and more problems; or was it more positive and concrete than that?

Secondly, did you find anywhere that really active thought was being given to the question of bilingualism, with the possibility of some results emerging, in any of the Departments, on their own?

MR. POSEN: In answer to your first question, I do not think I noticed any real anti-French feeling particularly. I suspected it was more that here was someone else coming and asking for information, and they were in the midst of their estimates.

PROF. BRADY: Just the normal civil servant attitude.

MR. POSEN: Exactly.

MR. STEVENSON: The paper itself, which perhaps we can assume you have been through, quickly attempts first to discuss very briefly the Federal Capital Territory concept; but dismisses it really in one paragraph by suggesting that following the spirit of the last meeting the Committee might well proceed towards action under its own responsibility first.

It goes on then to discuss the main goals which Professor Rowat set out for a Federal Capital District.

DEAN DILLON: Mr. Chairman, may I interrupt for a minute? I wasn't here at the last meeting and therefore it is with some trepidation I saw this and it may have been settled, but I am just reminded if paragraph 1 does dismiss the proposition of the Federal Capital Territory, I was wondering whether this was thoroughly discussed last meeting, and whether we are missing an opportunity here to consider this as something that perhaps gains in attractiveness because there is this disinterest in Quebec and some local opposition.

If this is a good idea and if it could be sold, the impact would be much greater, and therefore our long range objectives which we have in mind in this Committee might be better served. I do not know whether this was discussed or not.

Just because there is a lack of interest in Quebec and the fact that there is local opposition which is probably only natural, might give us a sort of fulcrum here which would help in the long run.

THE CHAIRMAN: I do not think that the Committee reached a position of either approving or of objecting definitively to the scheme. I think, however, a balance of feeling was that perhaps there was not very great ground for enthusiasm here, and that some of the objectives that were being sought might be explored in other ways. Indeed, this was the proposal we put up to Professor Rowat to undertake for us.

MR. STEVENSON: I think perhaps the paper as it now appears dismisses the National Territory concept a little too quickly. The idea really was that the purpose of this paper was to go into reasons for discussing bilingual districts in greater detail; going into it from the National Capital Territory concept.

DEAN DILLON: In other words, this is another way that we might achieve the thing, but it is not necessarily being discussed because we think the other method is ruled out?

MR. STEVENSON: Both concepts, of course, can be applied simultaneously. There is nothing to prevent that at all.

DEAN LEDERMAN: I think it would be fair, Mr. Chairman, to say though that since we first raised

and discussed this matter of the full-fledged Federal Capital District, the political soundings on the feasibility of it have been quite discouraging.

PROF. McWHINNEY: Discouraging or not positive?

DEAN LEDERMAN: Well, positively discouraging. Mr. Lesage made a speech against it the other day, for instance, and said no question of giving up any Quebec territory would be tolerable, and the impression certainly we got at Kingston from the Quebec group there was that they were not going to be happy with it at all. Also I am not sure that the English-speaking citizen of Ottawa is happy with it either.

DEAN DILLON: My point is that you used the word "discouraging". I am not sure we should be discouraged. If Mr. Lesage has made a speech against this, and if in the end the proposition could be sold, then surely the population of Quebec would be much more aware of the situation, and then something would happen which would thoroughly convince them that this was a good idea and then overcome initial opposition.

In other words, if we do something quietly, supposing we do accomplish the ends here: the people in Quebec might not care about it too much. That is my point.

DEAN LEDERMAN: I appreciate that, but you were asking why paragraph 1 was so short and we were going to paragraph 2, in effect the alternative.

I think, at least my feeling was, that we had found that the political opposition to this on both sides of the river was going to be very considerable, and that whether we pressed the original proposal or not we had better have a good look at the alternatives.

DEAN DILLON: I just wanted to ask whether it had been ruled out completely, and I assume it had not been ruled out and we are just discussing the alternatives.

PROF. BRADY: And the alternatives to some of us at least, seem much more promising.

DEAN DILLON: It is sometimes better to attack the strong point in the enemy's position, with the object of overcoming it completely, rather than trying to sneak around the back.

PROF. CREIGHTON: Mr. Chairman, I wasn't present either at this last meeting. I must confess I also am somewhat disturbed by the rather rapid, if not peremptory, abandonment of the idea of the National Capital District.

I do not know that I am in favour of the National Capital District, and certainly I say that there are a great deal of difficulties in the way of establishing it; but I do not like the implications of this abandonment, and I do not like the implications or the reasons for its abandonment.

The plan for a National Capital District is to be abandoned apparently, because Quebec will have none of it. This is a fine way of proceeding

towards the accomplishment of something supposedly in the national interest. In other words, Quebec will make no concessions in the national interest, we assume this. We assume that Ontario must make all concessions in the national interest, we assume this. I do not like these assumptions at all. In other words, something that is supposed to be in the national interest, the creation (to use this third clause here in the second paragraph) --

"The creation of a truly bilingual

"environment in the Ottawa area which

"would make the capital an attractive

"place for French Canadians to work."

which is something that has to be achieved at the expense of the Province of Ontario only. We are making the only contribution; they make nothing at all. In other words they expect a magnificent gesture from us, but we get no magnificent gesture in return. All our gesture has done, it is simply acknowledged, if it has done that.

DEAN DILLON: If we do ~~achieve~~ ^{achieve} this, they would have no respect for it.

PROF. CREIGHTON: Yes.

PROF. McWHINNEY: I think perhaps this mis-states the views of the last meeting, Donald. First of all, I was surprised to hear of the Lesage speech. My conclusion was that Quebec was not interested in the idea and did not give it high priority, but I did not notice any violent

6 opposition itself. I felt the reason that this group did not feel impelled to launch this as a priority subject in its own right was that in a way it seemed to me the group had never really accepted it as an objective in itself; it was simply a means for achieving other things which probably could be achieved more simply in other ways.

If you remember, for example, when we were questioning Rowat, it seemed to me he was more interested in local government reform than a National Capital Territory. If we are interested in local government reform you can do in a National Capital Territory, you can do it in other ways; in the same way that the National Capital Territory for this Committee was simply a way of polarizing methods of achieving bilingualism within the province. Maybe there are other ways of doing this more easily and more effectively and with less expenditure of resources, particularly if it is found that nobody, presumably this group and presumably Quebec, is as excited as one assumed it was by symbols. So if, for example, the main thrust here in the proposal really was getting bilingualism, Donald ---

PROF. CREIGHTON: I do not think the main thrust, or at least one of the things, certainly the objectives, the second paragraph:

"Development of Ottawa and Hull as an

"area symbolic of the nation ..."

that was certainly a purpose. I do not think we have anything to do with the purpose which you say was mostly Rowat's concern, which was the organization of the metropolitan area of Ottawa and Hull. This is not our business, but (b) and (c) are, and (b) was just as important in my understanding as (c) and we abandoned (b).

PROF. FOX: I think one problem is that some of our members were not present last time.

PROF. CREIGHTON: I read the record very carefully.

PROF. FOX: I think it would be worth while to take a minute and discuss this, because perhaps we did assume too rapidly the Federal plan had to be abandoned.

There were two points. We were affected by the adverse reaction from Quebec, and we were also affected at our last meeting by the statement that people in Ottawa were not very favourable. The press acted very adversely, and we were probably all under the impact of that adverse response, or what appeared to be adverse response from the Ottawa community. This was certainly a factor that was discussed last day.

Mr. Seguin just mentioned casually this morning in our other meeting, in our sub-committee meeting, that the press opinion in Ottawa did not reflect the opinion of the people either in Ottawa or in Hull, and this was news to me. I had just

automatically assumed that the response by the local politicians in Ottawa and in the press in Ottawa were symptomatic of the reluctance of the people of the Ottawa district to get into a National Capital plan, and that was certainly one factor in my mind that it would cool the idea of a Federal Capital.

Now, maybe you want to say something on that, Mr. Seguin. If that is so, then it changes it.

MR. SEGUIN: What we saw most in the press were the declarations of some politicians who were afraid to lose their jobs, some Controllers in the City of Ottawa, some other people in Hull.

I would say that the opinion of the majority of people in Ottawa has not been made up yet. Before they do make that up, they will want to know of the advantages. Will the realty tax decrease? Actually, if you speak to them on bilingualism, there might be a French-speaking population, they will look into that part, but the majority of the people in Ottawa just think of the matter of finances, I think.

Until somebody comes up with a plan, I feel sure that they will vote for the most advantageous financial plan that will come out of it, but talking to them, the majority of them will tell you: "Well, I am inclined to this and I am

inclined to that, but I haven't made up my mind". So anybody who says that they definitely are opposed to it, they are wrong.

Now, this Economic Council of western Quebec made a declaration, I know an awful lot of people in Hull and I have talked to them and they are the same as in Ottawa -- they haven't made up their minds. They feel they are abandoned by Quebec in western Quebec, and if something comes up better than what Quebec gives them, it will vote for it.

I brought in this morning a little booklet.

MR. STEVENSON: We could pass this around.

MR. SEGUIN: That Mr. Bert Lawrence, M.L.A., has distributed. I think it is only in his own county because I live in there, on the question of the National Capital, so then maybe we will have a little more information later on.

THE CHAIRMAN: What is the point?

MR. SEGUIN: He is asking the people what they think about it.

DEAN LEDERMAN: We should not be as discouraged as we were last month then.

MR. SEGUIN: Actually, should we be discouraged? I think for this Committee to reject or not reject is not right just like that. I think what we should study first is the desirability of this. If we think it is no good, then we will

abandon it. If we think it is good, then we should push it, not abandon it.

MR. STEVENSON: Mr. Chairman, just perhaps to get back to the paper for a second, I think our purpose here was not to discuss the National Capital Territory idea at all really.

MR. SEGUIN: Paragraph 2 should not be there.

MR. STEVENSON: Perhaps it should not. This is the way the discussion developed last time, so we put it in this way. I think really the purpose of this paper is to discuss alternative means to reach the same goal.

PROF. CREIGHTON: It cannot reach the same goal, though, it cannot possibly.

MR. STEVENSON: At least, to reach one of them.

PROF. McWHINNEY: Except he has different goals than you propose.

PROF. CREIGHTON: But (b) is here and (b) is not reached by that plan.

THE CHAIRMAN: I think a very important point has been raised here for our whole work, that we should always keep before us presumably what we think is desirable in its own right. Up to a point we do not want to dismiss presumably all the political implications, nor do we want to make any final judgment in terms of political implications, which is the task that would be faced elsewhere.

I am a little concerned, I think the point is quite right that we, as I said, I do not think we had decided for or against the Federal Capital Territory, but by the same process I think we had rather by implication shoved it aside a bit.

My impression is, however, that this Committee has not really yet come to any definitive view on the Capital question. I think we might, I think that these questions are related but yet separate, and I think we really perhaps should give some thought here as to what we want to do with the Federal Capital District question before we go any further.

MR. STEVENSON: Mr. Chairman, one perhaps postscript to that was that at the last meeting and the one before, it was suggested by several members that the work that the B and B Commission had done on Ottawa would be extremely valuable in further discussion of the Federal Capital Territory idea. So the Chairman has written to the secretary of the B and B Commission on the suggestion of the Committee, enclosing a copy of the Rowat report and requesting that the Federal people send us copies of their studies on the Ottawa area; one of the reasons being that we felt this would be invaluable for further discussion of the Federal Capital Territory.

PROF. CREIGHTON: I read the minutes of the last meeting when this point was adverted to. It was said, if I remember correctly, that this

Committee, the Chairman had received a number of B and B reports, but that reports relating to the Ottawa Capital District had not been received, and you were going to ask for them, but no reply has come in from them yet.

THE CHAIRMAN: Not to that letter, no. I should mention we have been exceedingly well treated in our requests by the B and B. We must have, I hate to think how tall that stack of documents is , but it is huge.

It has been impressed upon me by them, naturally, that this was a highly confidential stage in their proceedings, but they have really been willing to make anything available to us that we have sought, isn't that correct?

MR. STEVENSON: Not quite, in that they sent us a list of subjects, to which we replied by saying, if you think it is possible, we would like to have studies A, B, C and so on, and they sent us most of them, but a number of these they felt were either not in sufficiently final stage or perhaps were on topics that they wanted to hold in Ottawa a little further. They did give us a number of others though which I think are being quite useful, and some other subjects that are pretty peripheral.

MR. PERRY: I think Professor Rowat rather worried some of us by his emphasis on the problem of municipal development in this area, but

bis report read without this discussion has some interesting possibilities in it. We might look at those again. There is not any one particular form of government that need be thought of as the ideal. I think there are several variations which might be considered.

PROF. McIVOR: Might I ask again, Mr. Chairman, what were the general terms of reference that were suggested to Professor Rowat for his further work this summer, if he was interested in doing it?

MR. STEVENSON: I don't have the letter right here, but essentially it was doing something like what this paper does.

PROF. McIVOR: It was aside from the exploration ---

MR. STEVENSON: To take the three goals he had set out in his own early report, which would be the main reasons for establishing a Federal Capital Territory, and to discuss alternative methods by which this might be achieved, at least officially achieved by the Government of Ontario acting under its own jurisdiction.

PROF. McIVOR: Presumably there would not be much weight in his further study on the problems involved in the establishment of a Federal Territory. He would explore the alternatives by and large.

MR. STEVENSON: Right, exactly.

PROF. McWHINNEY: He would not get much

help anyway from these other Federal Territories, because the Ottawa situation is really so sui generis in relation to other areas in other countries.

DEAN LEDERMAN: In principle I have always been in favour of the full-fledged Capital District, and I spoke that way when we first raised it. Well, in one way here I should not be discouraged about the political possibilities.

THE CHAIRMAN: In terms of giving advice to the Premier, there are three possibilities available to us now. This Committee could now say it favoured in principle a Federal Capital Territory, and make that recommendation to the Government. It could say that it did not favour it and would not make that recommendation; or it could say to itself that "We want to examine this question further with a view to arriving at a conclusion".

Now, if, as I suspect, the balance of opinion would be on the third alternative, the question is: How do you want to proceed with this question, and at what point do you want to have the Committee make some decision in principle?

PROF. CREIGHTON: That surely depends on when Rowat will be able to finish his new report.

PROF. FOX: Has he given any indication, or did he accept the invitation?

THE CHAIRMAN: We have not heard from him.

MR. STEVENSON: Mr. Chairman, this particular paper then does not really discuss at all the first two goals that Professor Rowat had put in for a National Capital Territory. The first goal was dismissed by saying that a type of regional government in the Ottawa area can achieve much the same advantage in terms of a National Capital plan that a Federal Territory could, at least for the Ontario side.

The second goal, of course, as Professor Creighton says, cannot be really achieved by the Ontario Government acting by itself, although perhaps to a greater extent with the National Capital Commission acting somewhat differently than it has, with the co-operation of regional government on the Ontario side, more can be done towards making the Ottawa area more of a national symbol.

The paper itself, of course, deals almost exclusively with the third goal, which is the creation of a bilingual environment in the Ottawa area.

The paper then goes on to suggest the areas where bilingual provisions would have to be considered, particularly in the judicial sphere, local administration, administration of provincial departments and agencies, and education.

Then it discusses a number of questions and a number of specific points on which decisions would have to be made in each of these areas; then

discusses the general criteria which should be applied towards establishing bilingual districts, the first being the kind of territory which should be involved (small territories like municipalities or townships or larger ones like counties); then whether or not the cut-off point should be in terms of a percentage of French-speaking residents or an absolute number of French-speaking residents.

Then it discusses the advantages and disadvantages of different criteria for this concept; then at the end the question of whether or not the concept of bilingual districts should be introduced by public declaration and legislation or more pragmatically and perhaps slowly by the gradual build-up of bilingual services and bilingual practices which is more or less the case now.

That pretty well summarizes the paper. Perhaps if this Committee were to go through it, it might discuss each of the points in turn.

PROF. CREIGHTON: Mr. Chairman, surely the first essential, one would feel, is an examination of the exact position at the present moment and the problems which would have to be encountered if the present practices were increased. These are set out on pages from 3, I think, to 6, that is, not including education (I think that ought to be considered as a separate one) but on each of those pages 4, 5 and 6, there are some very important questions asked.

For example, on page 4:

"Would simultaneous translation
 "facilities have to be offered in court
 "rooms? Would a trial or hearing be
 "conducted in one language or the other
 "or both? What language would be used
 "where the plaintiff is French-speaking
 "and the defendant English-speaking and
 "vice versa?"

And the same thing on page 5:

"What would be the costs of such
 "translation? What practice would have
 "to be adopted where some Councillors
 "speak French and others English at
 "Council meetings? Is simultaneous
 "translation feasible at the municipal
 "level?"

And so on. It is a question in my mind whether this Committee or any of its members can make up its mind about any or all of these questions, unless he has a good deal more information; or whether you feel that it is important to have some solution quickly, and whether we ought to try to make up our minds very soon.

The information which we have just been supplied by Mr. Posen just really repeats or emphasizes what is in the report here very much, does it not? It would seem to me from my point of view that I would like to know a lot more before

I could make up my mind about these matters.

PROF. BRADY: I think, Mr. Chairman, this perhaps is understood. This is a preliminary paper and submitted today to invoke comment and some discussion. In other words, are there questions other than those which are cited here, that should be asked and should be pursued? Is the attack on the subject that is suggested here the most logical method of attacking it? Should there be some supplement to the attack that is suggested in the paper? I think that would be your intention, would it not?

MR. STEVENSON: Very much. This was certainly put out only as an initial method of trying to get more precise establishment of the way we should proceed.

PROF. McIVOR: Mr. Chairman, if it is still the view of this Committee that in principle they would favour, let us say, the establishment of a National Capital Territory and if the main thrust of Professor Rowat's work during the summer is going to be on alternatives for accomplishing some of the goals that a National Territory might accomplish: this surely suggests that instead of awaiting the results of Professor Rowat's further study, we should ourselves be putting into operation some accompanying studies directly related to the problems associated with the establishment of a National Territory.

I think, for example, the whole economic implications of the thing, what is involved here, and the political implications as between allocation of functions at Federal and Territorial level and the role of the local citizens in all this: surely, it seems to me, we should be trying to go ahead in getting a rather detailed picture of the various implications of such a plan, so that we would, by the end of the summer, having some results from Rowat and ourselves, have some more hard factual material on which we could come to some intelligent recommendations.

I think we waste a lot of time if we just sit back to the end of the summer and see what Rowat has done and then decide: "What do we have to do if we want to enlighten ourselves about the establishment of a National Territory?".

PROF. BRADY: I do not think we should wait till the end of the summer.

PROF. McIVOR: This suggestion was made, I think, a little earlier.

PROF. BRADY: I think we should have some discussions with a couple of departments on this matter -- Municipal Affairs and the Attorney General's department, two in particular. We have not really had any discussions with officials concerned with administering services. At least, I think I am right in saying that, although I believe the constitutional committee had a meeting with the

Deputy Attorney General.

DEAN LEDERMAN: We had one meeting.

PROF. BRADY: But I think the kind of problems that are suggested here in the paper will need to be discussed with representatives of two Departments which, after all, are concerned with the kind of services that we are discussing, and who have practical knowledge.

This does not mean that we necessarily accept their views, but we have got to consider their views, and I think we should get a better grasp of some of the problems involved from such a discussion. That would be my view - in addition to our staff here which is doing a good deal of very useful work on the matter.

MR. BEER: Mr. Chairman, I think there is an important factor here that we have to realize. Prof. Creighton brought it up and Professor Brady also spoke of it. That is, when we want to see these people, it is pretty obvious that this idea of bilingual districts is something, if not new, which is a bit strange, and there is a hesitancy there. Municipal Affairs, for example, said they would see these certain people and they would get a report, and then they would get in touch with us. Now, the question that we wondered was, why could we not perhaps see them? It might be faster than, say, two weeks later phoning up to say:

"How are things coming along?" and, of course, nothing was coming along.

When we are talking here about time periods and having to get hold of these facts as to the kind of services and as to what they cost and so on, it almost seems as though we need or would be very useful if we could find somebody there who was as keen about looking into this subject as we are, who would make sure that this work goes ahead.

I think this is a very real problem. It may be that when two people come in who are relatively junior, that there is not quite the feeling that this is something which needs quick and immediate attention; whereas if, say, members of the Committee were to speak with perhaps someone in either of these departments, it may carry a great deal more weight. We are very much aware that these studies are not going to be done quickly, at least they are not going to be done quickly for Gary and me. We need some more push somewhere.

PROF. BRADY: Could I make a suggestion, Mr. Chairman? Would it be feasible for you to have lunch with the Deputy Minister of the Attorney General's Department, Municipal Affairs, and possibly one or two members from the Committee here, some day, to provide an opportunity to explain what we were attempting? Possibly such a meeting might get readier co-operation from these departments.

THE CHAIRMAN: That is a very good

suggestion, I think.

PROF. CREIGHTON: Mr. Chairman, I was going to say, it seems to me that this whole paper represents a really revolutionary change in the Province of Ontario. I just wonder how we as a body had best study a paper of this nature, where we think this is possible or advisable.

I am not sure it is going to be satisfactory unless this whole Committee can hear Deputy Ministers give their opinion. I am not sure that it is really going to be very satisfactory until we go out and see ourselves the environments in which these changes are proposed. I do not want to retreat or evade this particular one, but I think this is a very formidable change. I certainly would not feel happy about doing any part of it, or recommending any part of it until I know an awful lot more about it than I do know.

Without casting any reflections, it seems to me that the cultural committee might have begun some investigation of this kind. So far as I know they have not.

PROF. McWHINNEY: In a way, though, I sympathize with those who are oriented towards fact finding; but even the Deputy Minister, for example, of the Attorney General's Department, if he were advising on this issue of judicial affairs, what more facts could he add?

It seems to me really you are setting up

a policy choice here and, while relatively obvious, it is a very difficult decision of a high political nature to decide, for example, on the two sets of records, one in English, one in French, Magistrate's Courts. You can see what this would cost and it adds a certain amount of more information. In the end you have really got to decide whether it is worth the trouble or not. In other words, would it take us much further, Donald, to have these changes?

PROF. CREIGHTON: I keep reiterating the point that to create bilingual districts in the Province of Ontario is a revolutionary change.

PROF. McWHINNEY: Yes.

PROF. CREIGHTON: In the province, without any shadow of doubt, it is and it will be a political issue of first class magnitude, I feel perfectly sure, and the only way it can be introduced is formally by legislation.

PROF. McWHINNEY: Yes.

PROF. CREIGHTON: It is impossible to do it any other way.

PROF. McWHINNEY: I would not disagree with your point, but I just wonder whether the fact-finding prior to making this choice would add too much. I think you pose the dilemma when you state the problem, you see, in these terms. It is there and it would be a revolutionary study in many ways, and no major amount to have these

further surveys made would be sufficient to allow a decision to be made.

DEAN LEDERMAN: As a matter of technique, perhaps I could make the comment, from a somewhat different angle. We are a Committee trying to reach conclusions. Now, you cannot put off to other people whom we want to enquire from, the making of the decision. What I am trying to say is, when we go out to see people in other departments, whoever those be, when we do that we have to have questions framed. If you have framed the right questions you have already thought your way halfway to the answers.

For instance, I think of this past summer when Mr. Delisle was interviewing in government departments about the extent to which they were involved in trans-border arrangements, and we were trying to discover this. I went over with him the questions that he ought to ask, and he had a whole series of questions ready. We discussed also the matter of how he should put this so as not to give the impression it was some kind of inquisition, that the people being questioned had something to fear if they were frank in their answers.

I urged him to make his own appointments and I think he got the Chairman to write letters for him to get him into the right places, but in other ways he took the initiative and had questions

ready.

I think perhaps this is the way, or it is one way in which we might approach other departments, other branches of the government. We are a new sort of Committee, and the question of how we approach other branches of the government has not been thought through, but there is one thing we cannot do, try to put our decision-making off on to them, which means that we have to have our own list of questions ready and thought through before we go to them.

PROF. BRADY: I was not suggesting that, of course, when I made my comment on the necessity of talking with these people about these questions. We have got to draw our own conclusions, and indeed we may approach the talks with some tentative conclusions in our minds.

DEAN LEDERMAN: I did not mean to suggest that you did mean that. I was just trying to explain myself by drawing contrasts.

MR. PERRY: I think on the Ottawa Capital District thing there is a little problem of communication the other way. I was button-holed one night in the Chateau by an old friend who happens to be a senior official in the Ottawa hierarchy, who was accompanied by a very senior official from the Department of Municipal Affairs of Ontario, and both of them were berating me for having stirred up this hornet's nest of the Capital District.

So I think you have little communication there.

THE CHAIRMAN: Which adds a touch of irony for the one man who wrote an article against the question such as you did.

DEAN LEDERMAN: It is a two-way street.

MR. PERRY: We agreed this was a bit of a flurry that could only be accounted for by the obscured mind of the person speaking, because it has been discussed in Ottawa on and off for fifty years, nothing new about the idea.

Anyway, perhaps a diplomatic lunch with at least one of the officials in the Government might be advisable.

PROF. FOX: Would there be any utility, Mr. Chairman, in trying to provide for what Professor Creighton suggests, that is, to consider inviting some of the senior officials, who would have been told long enough in advance what it is we were going to ask them about, so that they would try to get information from their departmental people, to a meeting of this Committee in which we would talk to them the way we talked to Rowat, and try to find out what the problems are and what the costs are and so on?

I doubt very much that we will get any accurate analysis of costs, because it seems to me some of these things are almost impossible to cost in advance, but at least if the senior official knew that he was going to come forward for a

two-hour session with us, then he would prime himself with all available information.

That would apply any pressure that Charles Beer was talking about, in a manner that I think would be more expeditious than any sort of pressure we would apply. In other words, the senior official would want to appear to know what the problem was about to the best of his ability, and therefore he would want some staff to do what is necessary. I think there is a good deal of utility in that. We might be able to set aside part of a day at a future meeting.

THE CHAIRMAN: I have had a feeling for a long time that we should have involved more from time to time the Deputy Attorney General with this Committee. As a matter of fact, I spoke to the Attorney General about it one time and said that I really felt that, putting it another way, if we were a committee advising the government on economic questions with which I had no particular contact, I would think it a little odd, and by the same token I think the fact that we have not had the Deputy Attorney General involved more in our meetings is also a little odd, quite apart from the fact that I think he has a great deal to contribute to the matter.

I have had that in mind, as a matter of fact, for some time, to raise this with the Committee, because I think it would be very fruitful

from a number of points of view if we were to have a little more continuing discourse with him.

PROF. FOX: I think that is an excellent idea.

DEAN LEDERMAN: I raised this either the previous meeting or the one in January, this very point about contact with the Deputy Attorney General.

PROF. McWHINNEY: He is very enthusiastic. At Kingston, although he did not say much publicly, I think he did in the discussion. It would be clearly advantageous.

THE CHAIRMAN: I think in the next little while, as these constitutional questions come up, we are going to have more and more concern for his point of view.

PROF. SYMONS: I think it is an excellent idea. I wonder if he might perhaps be invited to at least join with us on those occasions when there are matters of special interest to him on the agenda; or whether, given the broad nature of the Committee's work, it may not be desirable to ask if he can sit with the Committee regularly, either as a member or simply as a person who sits regularly with the Committee.

PROF. BRADY: Why shouldn't he?

THE CHAIRMAN: I would certainly be very happy with that.

DEAN LEDERMAN: If he was not able to come himself, he has Mr. Callaghan there who is

carrying a lot of the constitutional arguments for the province, I think, at the present time.

PROF. McWHINNEY: That is, in a way, of course, a weakness here if you compare (in no sense competitive) but if you compare the organization in the Province of Quebec, the Standing Policy Committee, for example, on constitutional litigation, that group have been in effect the equivalent of this sort of Committee, advising on general strategy of constitutional litigation. I think it would have been very helpful for Mr. Dick advising Mr. Callaghan in this off-shore oil thing, to have this general background. I think we have got to have Mr. Dick here.

DEAN DILLON: There are other members too. Professor Rathe might form a useful link.

PROF. FOX: I think it might be useful if we had the Deputy Minister of Municipal Affairs coming forward to talk in detail about these problems; also to suggest that we would be interested in hearing from him on what his thinking was on the National Capital Plan and so on. After all, there may be a number of points there that we are totally ignorant of, and things he would like to talk about.

I suppose one could be invited for a certain time, and then another could be invited for another time. I think it is a good idea.

THE CHAIRMAN: I have felt for some time - this Committee is two years old now and we have, of

course, a very attentive ear always in the form of the Prime Minister himself, but, as you know, in the way government works, the greater diffusion that you can have across the system the better, I think, at the senior level. We could profit from contacts, I would think, and I think we could also convey the feelings of this Committee in a broad way.

PROF. FOX: What had we planned for the April meeting? Are we to meet the Cabinet Committee then?

THE CHAIRMAN: Yes, that was the intention. I might just say a word while you raise that. The Prime Minister is going to come over here at four o'clock to meet with us. He raised with me earlier this week that he had been giving a great deal of thought to the Confederation of Tomorrow Conference, and he felt that he really should lay his thoughts before the Committee so that you would have some information on what is in his mind, which would help us to carry on our own thinking in the development of the agenda and the procedure. We might then have a fuller session on it in April, and presumably on other matters that we might be proposing to recommend.

PROF. FOX: It would still be possible, though, at that April meeting to invite, say, one of the Deputy Ministers to come and meet with us in the morning for an hour and a half or two hours.

THE CHAIRMAN: By all means, yes.

PROF. FOX: That would give the Deputy Minister a month to get some research done on some of these points that we wanted to raise. Since we know Mr. Dick, maybe it would be wise to begin with him, because it would be a fairly far-ranging session in which we would want to raise several topics with him.

THE CHAIRMAN: Well, we are back to earth with a practical problem. I have a message with respect to lunch. Perhaps we might just adjourn this until after lunch and try to clean up some of these tag ends and get on to the question of preparing ourselves to meet with the Prime Minister at four.

--- The meeting adjourned from 12.55 p.m. until 2.05 p.m.

THE CHAIRMAN: As a matter of interest, I just received in the mail this morning, I notice, a document from the B and B Commission called "Working Paper on the Federal Capital".

PROF. McWHINNEY: By whom?

THE CHAIRMAN: It doesn't say.

DEAN LEDERMAN: Anonymous.

THE CHAIRMAN: Anonymous and "confidential", that is what it says.

PROF. FOX: By Jean Lesage. It is a special one.

PROF. McWHINNEY: Charlotte Whitton more

likely.

MR. PERRY: Can you read us the last page?

DEAN LEDERMAN: It is not on asbestos paper.

THE CHAIRMAN: I don't know whether this is going to be typical of the Commission, but it does not seem to offer any recommendations or conclusions. It says:

"Just how this might be best arranged
"will be discussed in detail in a later
"volume."

MR. PERRY: What is it they are going to arrange?

THE CHAIRMAN: They are going to arrange possible new forms of organization.

PROF. FOX: That is a ~~come~~-on to the second Rowat volume.

PROF. McWHINNEY: And the second foundation ground, which is the hardest one to get.

PROF. BRADY: I raised the question about future meetings and we were talking about meetings with representatives from the Attorney General's Department and Municipal Affairs. Can we have an extended meeting in April, a couple of days, for example?

THE CHAIRMAN: Friday and Saturday?

PROF. BRADY: As we did last year.

THE CHAIRMAN: Any views on that one? It might be timely. We have quite a bit of work on hand, I think.

PROF. SYMONS: I would support the idea, Mr. Chairman. I think it is useful to have something and now it is about time for an extended opportunity for discussion.

DEAN LEDERMAN: I would think particularly if we have a major session with the Cabinet Committee on Friday, to sit on Saturday ---

THE CHAIRMAN: And clean up.

DEAN LEDERMAN: Get after some of the things.

PROF. McWHINNEY: Or do you want it the other way?

DEAN LEDERMAN: I am not sure.

MR. STEVENSON: Mr. Chairman, if I remember the discussion at the last meeting, prior to the plenary session, there seemed to be just about agreement among the people who were present for a two-day session in April, particularly to go into a lot more thoroughly the bilingual district question.

PROF. BRADY: It would take time if we had the Deputy Minister of the Attorney General's Department and went over with him a number of things, and again take time if we had a Deputy from the Municipal Affairs.

THE CHAIRMAN: I think there is no doubt we would have quite a bit on our hands. I would be quite happy to convene a meeting in that form.

PROF. FOX: It might be useful in that connection if you left one of the periods free for sub-committee work, because our sub-committee will have some work we may want to do.

PROF. CREIGHTON: Didn't we have a rather spacious and generous invitation on your part to some resort up in northern Quebec or Ontario for this meeting?

PROF. FOX: At his personal expense.

THE CHAIRMAN: If I said that, perhaps we had better stop keeping verbatim records.

PROF. CREIGHTON: I thought at the time perhaps we might go somewhere in Ontario.

THE CHAIRMAN: Well, we may well think about it.

PROF. McWHINNEY: That was a return Kingston visit, was it not?

THE CHAIRMAN: Remaining from this morning are two questions: the future arrangements we want to make for the Federal Capital question, and also the treatment we want to give this position paper on the bilingual districts. Then we should prepare ourselves for the Prime Minister's meeting at four.

Now, he has two matters in particular that he wants to discuss with you, and I may be

called in a minute or so for another call on the phone about this, but he does feel that he would like the Committee at least to give serious consideration to publishing some studies or papers or reports.

He is preparing to have a debate, as you know, on Confederation in the Legislature, and his feeling, I think, is not just that the question is bound to come up: "What has the Committee done? What can we see of their work?" but he really feels an awful lot of the material is very good and it should find its way into the public domain and it is a shame that it does not get a wider audience.

We have gone over all material and considered what items, both work of the Committee and special studies done for the Committee, that might fall into that category, but I know that he wants to talk a bit about that.

The more important thing, of course, is to present his own thinking at this time, and some of the discussions he has had with his colleagues and with other governments about the Confederation of Tomorrow Conference.

Many, many questions are before him in his particular anxiety to keep it out of the political context: questions of timing and place, arrangements, whether this should be a one-shot conference or the beginning of a series, and the

degree to which one would prepare material for it, and so on.

I would like, if we could, to be in a position to have some preliminary points of view to pass on to him from the Committee, but his main interest is having a general discussion with the Committee in order to get up to date on your own thinking.

On the first matter, the matter left over from this morning, would someone have a proposal to make about the procedure we should follow in our own work on the Federal Capital District and on this paper, apart from the understanding which I believe we have reached to have some sessions with the Deputies and officials of other Departments here?

We could, I think, for example, have our staff try and pull together some of the things that have been said about the Federal Capital District, and try and marshall, as it were, some of the arguments on each side of the question, of whatever origin.

MR. PERRY: I am sorry, Mr. Chairman, but are we going to have Rowat do further work? This keeps on eluding me.

THE CHAIRMAN: Don, would you refresh us on our request to Dean Rowat for his further study?

MR. STEVENSON: Essentially, it was to take the three goals which are contained on the first page of the paper before you, and investigate more

thoroughly ways towards their achievement which would fall within the responsibility of the Government of Ontario.

PROF. McIVOR: In other words, exclusive of the solution by way of formation of a National Capital area?

MR. STEVENSON: Right.

PROF. CREIGHTON: So this assumes in effect the abandonment of the idea?

MR. PERRY: If it does, I do not think it assumes that the idea has been abandoned though. I think there is a difference.

THE CHAIRMAN: I think the idea on this was to try and elucidate further the issues. Are we trying to get a Federal Capital Territory for its symbolic purpose, or are we trying to get at certain objectives, set of objectives?

DEAN LEDERMAN: Perhaps we should change the instruction to Professor Rowat and tell him to do a straight comparative study.

PROF. McWHINNEY: Of what?

DEAN LEDERMAN: Of other Federal Districts, to continue his study, to do a comparative study of other Federal Districts, how they do it in other places.

PROF. BRADY: What does that contribute actually to our understanding of the Ottawa situation?

PROF. McWHINNEY: I was about to make the same point. With all respect, I do not think any of

the existing territorial areas have anything to offer here. The problems here are much more complex. It would be pretty superficial.

DEAN LEDERMAN: I am not carrying any great torch for the idea.

PROF. McWHINNEY: I do not think it would take us very far.

PROF. SYMONS: I wonder if it would help if we asked two or three members of the Committee to work closely on this during the next few months, with Professor Rowat on the one hand and our own good research assistants and Donald Stevenson on the other hand. We just need somehow to focus the thing and I think it is very difficult to do it with twenty people talking around the subject.

PROF. McWHINNEY: Do you not think we really need a conclusion, a consensus, if you wish, and it is apparent that there is not one? I am not sure that more facts are going to change the situation.

PROF. SYMONS: No, my thought is that this Committee's function is to work with fact-finders and so on, and essentially to try and come forward with a recommendation or set of recommendations about objectives.

PROF. BRADY: You are suggesting, Tom, that there be a sub-committee?

PROF. SYMONS: Yes, a special one.

PROF. BRADY: To submit its recommendations, as it were, to this plenary?

PROF. SYMONS: Yes.

PROF. McWHINNEY: Its policy recommendations.

PROF. SYMONS: Yes.

PROF. McWHINNEY: That would make sense.

MR. STEVENSON: There was at the last meeting a suggestion made that Professors Brady, Fox and Conway act as more or less a steering committee to develop that work on bilingual districts. We went to the extent that a draft of this paper was sent out to them in advance of it being sent out to anybody else on the Committee, for their preliminary comments. This really was, if you remember from the last meeting, a way of getting advice from members in the Toronto area.

PROF. SYMONS: I wonder if we should not go a step beyond that and perhaps ask these three members of the Committee, or with additions or any changes that they may wish to suggest, to act not merely as a steering committee but as a committee to actually bring forward one or two specific proposals.

PROF. McWHINNEY: Make reasoned recommendations, I think is the term.

PROF. SYMONS: I think we have to do that. It is very difficult to do it with twenty people involved in the discussion. I think that discussion

can come after we have something specific in front of us.

PROF. McWHINNEY: I agree, unless you take a straight vote much on the basis of the questions in Roget's questionnaire you issued. Unless you take a straight vote, I do not think we are going to come to a consensus this way of proceeding; nor do I think fact-finding as such will add anything fresh.

I therefore think Tom is right. This committee, with possibly some additions, should be instructed to make reasoned recommendations to the full Committee.

PROF. McIVOR: Tom, the recommendations you envisage relate to the best ways of achieving these particular goals that are listed here, whether by way of National Capital Territory or by amendments? Is that what you have in mind?

PROF. SYMONS: Yes.

PROF. McWHINNEY: But not exclusively, surely.

PROF. SYMONS: Not to limit them in that way, but I think that they might wish to accept all or only part of these and perhaps add other goals to the ones set out here. So that their first thing would be the decision upon some recommendation as to our objectives, and then to make proposals about how to work toward these.

PROF. McIVOR: I am not sure I agree entirely with Ted's point that he has made, I think at least twice, that perhaps no further facts would help us very much. It is a matter of assembling all the now available information and arriving at decisions but if, for example, we were pursuing in some detail the question of establishing a National Capital Territory, it seems to me that one of the important considerations here, just looking at it from our own sub-committee, are the economic aspects of this thing. What are the costs that are involved? I think there is a great blank here so far as all of us are concerned, and it is not the sort of thing we are going to get by simply calling in government officials from various departments.

I think this is an area where we could very well ask our staff if they could not do a piece of basic research during the next several months relating to the economic aspects of the formation of a National Capital Territory; because these are some of what Roget has suggested are the bread-and-butter issues, and they are certainly going to affect the attitudes of the local residents, and they may well affect our judgment as to whether in terms of the real cost involved the gains are commensurate with going through and doing this.

PROF. SYMONS: I think that point is very well taken. I think that this should be one of the things that particular committee should do.

It does need to cover more facts, particularly the economic implications and some of the legal problems; but while it is doing that, I think it should also be thinking over and preparing for the consideration of our whole Committee a number of specific proposals that we could then debate and amend. I think we need something of this sort though to focus our discussion.

PROF. McIVOR: I would agree. I am simply making the point that there is room for more facts in some area.

PROF. McWHINNEY: I think you are right now in the economic area. We did discuss with Rowat and speak of this process of codification. I do not think any comparative research in the legal area is going to add significantly to knowledge and assist the decision.

It seems you are at that stage of policy choice there, but if Tom's proposal could incorporate these economic studies perhaps it would meet the situation.

MR. PERRY: By economic, you would include financial?

PROF. McIVOR: Yes.

DEAN DILLON: I think it would be helpful if we asked Tom and the sub-committee simply to consider the proposition of the Federal Capital Territory in terms of the economic implications and the cultural and the other, and then come back with

recommendations. There has got to be a starting point, and it seems to me it is the proposition, so that this is what we wish to examine.

PROF. SYMONS: There is a start, there is a middle and a finish. I think the starting point is a careful preliminary assessment about what would be the desirable objectives; testing with certain facts, and I think particularly the financial and economic factors, which are obviously enormous and we just do not know, not merely enough, but we know scarcely anything about them. Then perhaps a final series of policy recommendations that could be reached after these facts and testing of your original hypotheses with the --

DEAN DILLON: If you do not start with these facts, I think you are liable to get side-tracked as to it. I think we should be examining the proposition of the Federal Capital Territory, and if we don't decide to do that, stick with it, we are going to get side-tracked.

PROF. CREIGHTON: There are two questions really. There is the National Federal District, and there are the bilingual districts, and they must be approached simultaneously.

MR. STEVENSON: I would suggest, Mr. Chairman, that particularly because we do not know whether or not Professor Rowat will be doing the study this summer, but at any rate we not necessarily consider that both have to be dealt with at the same

time.

I would hope that on this two-day meeting of the Committee, if one is arranged, that a lot more discussion could be given to the bilingual districts concept, not necessarily allied at all to discussion of the Federal Capital Territory, which could not really be discussed in final form until the study by Professor Rowat is well on its way.

PROF. CONWAY: Mr. Chairman, does anyone know what happened to that plan that was initiated in the 1930's for Ottawa by a French city planner? Did that go into abeyance completely? Is it still in abeyance or was it dropped?

MR. SEGUIN: No, part of it is being enforced; it is amended but part of it is.

MR. PERRY: Quite a bit of it really, is it not, when you think of the changes in the downtown area.

PROF. CREIGHTON: Most of it has been implemented.

MR. PERRY: Yes, quite substantially.

PROF. McIVOR: It is the basis of the development of the National Capital District, is it not?

MR. SEGUIN: The National Capital District, yes, but not politically.

PROF. McIVOR: Oh, no.

MR. SEGUIN: Territorially.

PROF. McWHINNEY: On both sides of the river?

MR. SEGUIN: On both sides of the river.

PROF. CONWAY: Does that imply a policy on the part of the Government?

PROF. CREIGHTON: Yes, certainly.

MR. SEGUIN: No policy with the N.C.C.: you are just being expropriated and thrown out.

THE CHAIRMAN: Expediency, not policy.

PROF. CONWAY: So the Government is committed.

MR. SEGUIN: Not on the political side of it, you see.

MR. PERRY: The old plan is now completely out-dated. Development had been so rapid that it was quite inadequate.

DEAN LEDERMAN: The Federal Government and Parliament through the National Capital Commission, have just had their powers vindicated by the Supreme Court as far as physical plans are concerned, roadways and buildings and parks and so on. They can do this sort of thing.

PROF. CONWAY: In both Hull and Ottawa?

DEAN LEDERMAN: Yes, on both sides of the river.

PROF. CONWAY: That seems to me quite an important factor in our considerations, by continuing governments to be responsible.

DEAN LEDERMAN: It is the thing, not the people though, just the thing; it is the property.

MR. SEGUIN: And none of the government property: it is just individuals' property.

PROF. CREIGHTON: That was really the solution of the financial difficulties though, massive supplies of capital to devise a green belt. Otherwise that would never have been done.

MR. PERRY: This has been the origin of the interest in Ottawa from away back. What can be done in Ottawa on a substantial scale without Dominion Government assistance? The municipality is always reluctant, of course. So the whole discussion took place in terms of who pays for what, with the Federal Government ending up paying for most of it.

PROF. BRADY: The simple fact is not much can be done without the Federal Government spending money.

MR. PERRY: That is right. In a sense the bicultural aspect does not have much of a financial consequence. It might have some, but it is not primarily a financial matter.

PROF. BRADY: I think a study of the economic aspects, I think it is worth doing something on that, but I can foresee that some of the questions you would like answered would certainly not be answered in a short term period, because the economic aspects are pretty complicated. You would

be laying down hypotheses, probably have to lay down a number, and try to test them relative to what would develop.

I think it is probably worth trying, but it is not a simple operation, and I would not envisage a very final study of that in a short period, don't you agree?

PROF. McIVOR: Yes, but I think this is no argument for not trying to make formally some alternative hypotheses of financial implications of entering into such an arrangement.

THE CHAIRMAN: Peter.

MR. VENTON: Yes, I am just curious: it strikes me the Committee is only interested as far as bilingual aspects of this problem, they are only interested in the financial cost of such a policy. Is that a correct assumption? That is on the negative side of the thing. If it were not for the financial cost, is it correct to assume that we would be quite favourably disposed to this policy of bilingual districts discussed last month?

Prof. Conway

PROF. CONWAY: This is not Ottawa; this is bilingual districts generally.

MR. VENTON: You can talk about bilingual district in Ottawa and surrounding territory by itself, or you can talk about the other policy, but if you are going to have a bilingual district in Ottawa, as the gist of this paper is, you would ultimately have to extend that policy to other areas.

PROF. CONWAY: Of course.

PROF. SYMONS: I think, Mr. Chairman, we did at our last meeting find very broad measure of agreement on the general principle of sympathetic approach to bilingual districts. The matter was defining them and trying to establish where it was appropriate and to what extent and in what ways; but with this document we have injected a somewhat distinct and separate issue, the question of the national capital territory, which is in a limited sense a matter of a bilingual district but it is a very special and distinct bilingual district. For that one bilingual district at any rate I would have thought that the interest of our Committee was much wider than just the bilingual question or just the cost question.

With the other bilingual districts of the province, we are getting rather more to the point, I thought, of looking at the costs and the administrative problems, but with this particular bilingual district in a sense it is almost a pity that it is in the document with the general discussion of

bilingual districts.

DEAN LEDERMAN: There is this relation then, I think, between the two questions. You would at least do as much in the Ottawa district as you would do in the others. Whether one does more in special things is the special, separate Ottawa issue, but in considering the study of bilingual districts one would at least do that much in the Ottawa area if you never did anything else in the Ottawa area.

PROF. SYMONS: And then go on, yes.

DEAN LEDERMAN: But I think it ought to be separated for our purposes at the moment.

MR. VENTON: I am just wondering what else is there that you would like to know apart from the financial cost of such a policy? It strikes me that the answer to this problem is in going after the details, finding details of such territories. If you can do that, you get the answer to your question whether you should recommend the policy of a bilingual district in Ottawa. What else is there to consider?

PROF. SYMONS: To what extent and in what ways it might be organized and constituted as a separate political entity, so that it is not merely bilingual in name but its very nature.

PROF. CREIGHTON: I am sure they are two separate questions.

MR. PERRY: It is even more pointed in paragraph (b). I suspect (b) involves the expenditure of several hundreds of millions of dollars.

PROF. McWHINNEY: We have a potential revenue loss to the two provinces, so there the economic questions are very huge and presumably the answers can only be rather approximate. I suppose you really have to reckon on two different levels of economic enquiry, one which is very modest, and that is one of the reasons, Craig, I perhaps was too categorical in saying I didn't feel we would need more fact-finding. But the cost of agreeing on bilingual districts you can almost calculate yourself, just as trying to estimate the cost of extra judicial services, making some estimates. However, if you get in the business of a separate national capital territory, you have really got to estimate the loss to which the provincial exchequer is put and various other things which are a very substantial process to work out.

MR. VENTON: There is both a loss of revenue to the provincial government as well as a loss of responsibilities.

MR. SEGUIN : And grants.

PROF. McWHINNEY: Yes. I think with the bilingual districts the economic factor is likely to be much more marginal than in the case of creating a territory; just as I assume the economic cost of these judicial services of bilingual areas was one that the political decision-maker might regard as marginal; but the national capital territory issue is such a question that economic inquiries are very substantial.

PROF. CREIGHTON: I was going to say, at all events there are two questions, and we can ask this committee to get ahead with both of them.

DEAN LEDERMAN: I am neither an economist nor a chartered accountant, but I suspect that estimating the costs of the whole range of government services involved and what the shifts in responsibility for them would be, is a very complex business, isn't it?

PROF. McWHINNEY: Vital to the decision on question (b) but perhaps less vital to the other questions.

PROF. McIVOR: This is not to suggest that we should start moving into such an area without having made an attempt to analyse these things.

DEAN LEDERMAN: No, I am not saying this. It is very complex, but we have to face it.

MR. PERRY: I think this problem demonstrates the ingenuity of our original allocation of sub-committees. There is a very considerable financial content; there is also a cultural and constitutional content. I would like to suggest that these three aspects be combined in whatever sub-committee deliberations we have.

THE CHAIRMAN: Are there any other comments on this matter?

PROF. McWHINNEY: The form you present your proposal suggests it is in addition.

PROF. SYMONS: I simply raised when you were absent from the room briefly, that perhaps to get this focussed and going forward, it might be well to establish a special committee or to reconstruct the steering committee, to deal with the particular question of the national capital territory; I think, having in mind the point that Harvey has just made about the need for the economic consideration, the

constitutional and the cultural, I wondered if it would not help on this one question, which we have now studied from different angles for months on end, to particularly ask the group of our Committee to work with it during the next few months, with Professor Rowat on the one hand, with whatever help they need and can get from the secretariat on the other, to get their information as far as possible and to think out and present to us for general discussion some proposals of what should be our objectives and how this might be approached, so that the full Committee can then react to them.

THE CHAIRMAN: I think that is a very helpful suggestion, one that would give the practical means of getting at the resolution of the issue.

Do you think then we have got enough guidance for the purposes of the research policy committee and our staff to move on? I think I have got the general drift of the discussion.

What about the bilingual districts paper then? There was some suggestion this morning that this needed a little more filling out; and, of course, we want to get the views, as we suggested, of the senior members of the other departments.

Are there matters here that the staff could deal with in the interim?

PROF. FOX: If we have time now, Mr. Chairman, it might be useful to spend a little time simply discussing in this full Committee some of the factual problems that I imagine the staff is going to work on, without trying to arrive at any conclusions to these things but creating the discussion might generate viewpoints that the staff could look at,

so that we would be better informed when we discuss this more seriously on a later occasion. I think of problems such as, if bilingual districts are to be created, how do you determine borders? What percentages do we use, this sort of thing?

These are fairly obvious points that perhaps we will have nothing to say on that has not been already thought of; but on the other hand I think when we discuss matters like this in a group, we generate certain points that we might not arrive at alone.

It strikes me this is one problem in the creation of any kind of district for any purpose: there is always the question of who is included and who is left out. What do you do about it in terms of equity? If we decide that where there is a certain per cent of persons of French mother tongue they will constitute a district body, what happens to their families who are on the other side of the line? These strike me as specific problems.

It might be useful, for instance, for the staffs who have more familiarity with this than any of us, to just point out - there are obvious conclusions about the counties that they think might be bilingual districts, and we can just look at what the percentages are.

PROF. CREIGHTON: They have done this on page 10.

PROF. FOX: Yes. I was just thinking if we look at the maps now it would start some thoughts in our minds. We might not get very far in it, but it will start the thought processes working, if we have time.

THE CHAIRMAN: By all means. I would like

to get this thing moving.

PROF. FOX: This is page 10 of the draft, question of bilingual districts.

MR. POSEN: Colour red is your county that contains over 20 per cent Franco-Ontarians, either by ethnic origin or mother tongue; green one from 15 to 20; blue, 10 to 15 per cent.

This more or less indicates that by ethnic origin there is a good spread of Franco-Ontarians all across the eastern part, southeastern part of the province, and about 22 per cent in Essex.

When it comes to mother tongue it is more or less restricted to Stormont, Glengarry, Prescott, Russell, Carleton, and Essex drops to about 10 per cent. In the north the percentages remain fairly stable - Cochrane, Temiskaming, Nipissing and Sudbury; fall slightly in Algoma. These take care, I believe, of the nine counties and districts that were mentioned in the paper.

PROF. FOX: The little red patches over in the northern ones are townships?

MR. POSEN: Those are townships.

MR. BEER: Most of the townships in the northern districts are not listed in the D.B.S., so they just give one figure which is unorganized areas. That is why there is a lot more of this area that probably should be red, because they are spread all through but they are not recorded.

You have that quite interesting pocket here of Tiny Township which you notice stays in the mother tongue, which is a pretty incredible story, but it does fit in to a very well organized pattern as far as counties go.

PROF. FOX: I suppose the first consideration, general principle, would be whether you are going to talk about the persons of mother tongue or persons of ethnic origin. Is that a reasonable first principle?

THE CHAIRMAN: Yes.

PROF. FOX: Those are the two categories.

PROF. CREIGHTON: Surely only mother tongue.

PROF. FOX: Those are the ways the maps are compiled, either by ethnic origin or mother tongue.

MR. BEER: With the exception of Essex, basically that would not alter the total picture too much, I think. There are some little stretches a bit more in the east, but again ---

PROF. FOX: Not for the red, but it does when you get into other colours, if you go below 20 per cent.

MR. BEER: Right.

PROF. SYMONS: What is the exact definition of "mother tongue", how many generations?

MR. VENTON: I think in the D.B.S.

definition it is language first learned at childhood and still understood, that this would be people who still speak French.

PROF. CONWAY: Surely we would be concerned only with mother tongue in, what, about 20 per cent, or what is the basis of our decision in percentages of the population?

MR. POSEN: I do not think 15 or 20 per cent would make any difference, because all these nine we mentioned would be 20 per cent. Although the paper did say 25 per cent, there is an error, because Carleton is between 20 and 25. If you say it has to be 25 and above, it cuts out Carleton.

PROF. CONWAY: How high does it go above 20 per cent?

MR. BEER: The ones in the east, two of them are well over 50 per cent. I think it is Prescott and Glengarry.

MR. VENTON: Prescott 82 per cent; Glengarry is 47; Russell 77.

MR. BEER: And Stormont is just below 50 again. So again that area is strong. In the north they seem to be 35, 40 per cent, 45, northern districts.

PROF. SYMONS: Mr. Chairman, looking at the percentage question, it might be helpful and it might be relevant, to see similar ethnic and mother tongue maps for the province of Quebec; because inescapably, the sort of decision that we might recommend

for Ontario, is going to have implications that could be used in various ways in Quebec province too.

MR. SEGUIN: I don't think so, not on any of the subjects you are talking about in here, because in Quebec I can tell you the law is booked; every law is translated, every Act is translated, the statutes, the Code, municipal Code - everything. In the Courts you have both French and English forms. In the Registry Office we will take both French and English; you can use whatever you want.

PROF. McWHINNEY: I think there are practical limitations, I gathered last week. Very few court stenographers can interchange.

MR. SEGUIN: The same thing applies in the Eastern Townships, where they say here under the Attorney General's advice that we could speak French in Prescott and Russell. I have never heard of it. I mean, we can speak French if we are a witness, but not if we are a lawyer or a judge. We have got to speak English and ask our questions in English, and then the translator puts the question to the witness.

PROF. SYMONS: I think, Mr. Chairman, I will at least find it of great interest to see a similar study of ethnic and mother tongue for the province of Quebec. While I know this is the position and I think this is a very auspicious thing if we do establish some formula for this province,

it is certainly going to be much referred to and talked about by politicians in our sister province, and I think we should have their position in mind as well as our own.

MR. SEGUIN: May I say something? By speaking on the law as I did, it does not mean that I favour what is being presented today. I haven't thought about it. It would complicate life and we might still stay like this for a while yet maybe. I would reserve my judgment on it to say that we will study it ourselves and we will come to a conclusion.

THE CHAIRMAN: It may well be that some of the information you want, Tom, will come out of the material that we have asked the officials to prepare for us.

MR. SEGUIN: Yes.

MR. BEER: I believe it is relatively easy to draw up a map, except that we would have to write back to Ottawa to get the township figures, but the ethnic figures are in the 1961 census. The main problem there is just tracking data and waiting until Ottawa got that to us.

MR. VENTON: You could get ethnic and mother tongue perbcountyCan .

PROF. CONWAY: One thing is very apparent from these tables, Mr. Chairman, that the percentages below 20 per cent are very low indeed. That rather limits the size of the problem we are considering.

You have .3 per cent, .6, .8. In fact, looking at them very quickly, I think there are only ten counties in which this is a real problem. It affects costs, it affects the political issue and everything else. I take it, am I correct in assuming that we would not consider putting in a bilingual system in counties where the mother tongue is 3 per cent, 2 per cent? We are not considering that at all.

THE CHAIRMAN: No.

PROF. CONWAY: We are considering a marginal small group of counties.

PROF. FOX: Well, that is assuming you do it by counties, but you might do it by townships.

MR. BEER: Even then, if you consider it by townships, in terms of mother tongue you would have a few more problems with regard to Essex and Tiny Township and perhaps Algoma, but beyond that you probably still would not change the picture all that much.

PROF. FOX: You have to here in these ones here in the different colours, wouldn't you?

MR. VENTON: Not if we said 20 per cent.

PROF. FOX: No, taking 20 per cent, but I don't see why it should not be 10, for instance.

PROF. CONWAY: If it is 10, you are only talking about two more.

MR. VENTON: That is right, Algoma and Essex.

PROF. FOX: That is by counties but not by townships.

PROF. CONWAY: How would that work?

PROF. FOX: You have townships here, for example, which are all over ten.

MR. BEER: But that is ethnic origin. Essex and Algoma basically.

PROF. FOX: Something over that. There must be about a dozen.

PROF. BRADY: Would it be much more complicated if you applied it to townships from an administrative point of view? Do we know?

MR. SEGUIN: For the Department of the Attorney General it would have to be by county. You could not do it by township. There is no township court or anything like this.

PROF. SYMONS: Increasingly difficult in education too.

DEAN LEDERMAN: Larger units.

PROF. SYMONS: There are a number of county consolidations now and I think there will be more.

MR. VENTON: I think it would be possible to offer some municipal services.

MR. SEGUIN: Municipal, I would think, would be different, but the United Counties of Prescott and Russell, there is only one place where the Court sits and that is in L'Orignal. This is fairly easy.

DEAN LEDERMAN: Of course, if you are talking of one of the big consolidated high schools it can have its bilingual school and its unilingual school within the same building, if the building is serving a bilingual district and goes bilingual in these terms.

MR. SEGUIN: On schools, for instance, in Prescott and Russell, we are thinking of three of those. One is in being now and two others.

MR. VENTON: May I point out, Mr. Chairman, if you have the Department of Public Welfare start printing bilingual forms or booklets explaining their services, the Department of Agriculture providing certain information in both French and English, there would be no reason why townships where there are French-speaking citizens, why these things could not be available there also.

MR. SEGUIN: Eastview, by the way, has started to publish different notices in both languages. The Court of Revision notice when you are advised of the date of hearing now, is in both languages, one side French and one side English.

THE CHAIRMAN: Are there any other questions on this or avenues of exploration?

MR. BEER: Perhaps the one question that should be just pointed out is the problem, let us say, of communities such as Welland.

THE CHAIRMAN: Yes.

MR. BEER: Hamilton, Toronto, normally getting increasing population of French-speaking citizens so that, say, as a percentage of the total it does not come to ten, but in a net group there may be -- Welland, for example, you already have a certain school system that is French speaking, and yet in the town, say, with something like six or seven thousand out of thirty-five thousand people, what do you want to do about them in terms of educational services? That could be a separate problem. It can be handled a different way, but do you want to get involved in these communities with other services?

I mention Welland because it has a fairly dynamic French-speaking group, and they might very well say: "Look, why can't we have this and that kind of service?" . We would at least have to have some kind of formula answer for that. There are some towns and cities which raise that problem. They are marked on these maps.

MR. VENTON: Again, of course, it is possible that once a formal step was taken on county level to provide these services, once the administration began on changes in the departments, it might be relatively simple to start providing some of these services for townships and cities on the large per capita number of French-speaking citizens.

PROF. SYMONS: Mr. Chairman, in addition

to the possibility of facilities and public language arrangements in these particular districts, there is in mind too, is there not, the extension of rights and opportunities for the language throughout the province and in the key central provincial institutions? We have not discussed this. It is a two-pronged affair, specifically at the district level, some formula basis combined with recognition of the language and the rights of people to work within the language on a certain provincial-wide basis. This, too, will be a very difficult one to define.

PROF. CONWAY: Do you mean in the Ontario civil service?

PROF. SYMONS: There are certain levels of the civil service, certain levels of the judicial system.

MR. PERRY: Perhaps we could apply the same rule, that when the population of the whole province gets over 20 per cent.

PROF. CONWAY: The disparity between ethnic origin and mother tongue is interesting. I am sure it is obvious to anyone who knows the province of Ontario better than I do. In some cases no disparity at all; in some cases they are so -- in Algoma, 21,000 ethnic origin; 13,000 mother tongue. This means something. Does that mean that the French language, as you get further into Ontario from the border of Quebec, suffers a natural

decline? Is this problem we are considering just a temporary one, because we tend to discuss it in overall terms. It may be just a matter of a generation or two. Algoma would indicate that, whereas Carleton does not, nor Cochrane.

PROF. FOX: It is significant to me, glancing at the figures, that one of the most rapid rates of assimilation is in the Essex area, and I just wondered to what extent the proximity of the United States influenced this.

MR. BEER: Falls by over a half.

PROF. FOX: I think it is the largest discrepancy.

MR. VENTON: Again the problem is how much renewed migration is there. How long had these people been living there?

PROF. BRADY: It is an old community and been pretty much isolated from the other French-speaking communities.

PROF. SYMONS: Then you have the problem that despite what statistics may or may not mean, you have got the question of: Is it natural or just?

THE CHAIRMAN: Good or bad.

PROF. SYMONS: Yes, this assimilation that is occurring in certain areas, is it just that it should occur? Is it desirable that it should occur?

PROF. CONWAY: Let us say it is neither

just nor desirable; it is happening. This still defines our problem in a certain way.

MR. SEGUIN: In Essex I can explain the problem. It is because we had primary schools but we never had secondary schools. No religious institutions wanted to establish, because they did not have the money. In fact we did try to get some Quebec institution to come in, but we could not get them. We needed to raise about half a million dollars and we did not have it. We have no secondary school whatever, so the only opening was to English-speaking, and that is where we lost it.' In primary schools, we still have them.

DEAN LEDERMAN: You would not give so much importance then, Roget, to the pressure of that Detroit metropolitan area?

MR. BEER: One of the things which Professor Benoit was relating to us was that on his travels he was trying to find out in this area where these people came from, and he found out, for example, that in the southwestern area (which he called the diamond) something like 80 per cent of people there came from the province of Quebec; but that most of those, practically all of those who have come in, say, the last twenty or twenty-five years, are not going down into Essex (as probably is obvious) but they are settling along the 401 and in the "horseshoe area". So we do not see that immigration on the 1961 census, because as a

percentage they are not meaningful, but certainly the Essex area and Kent as a French-speaking area is a dying area.

PROF. BRADY: It has not been reinforced?

MR. BEER: No, quite.

MR. SEGUIN: Some of the large industries have left.

PROF. FOX: I suppose the large settlement there must have been the fur trade from the Straits.

MR. SEGUIN: A few of them. I mean, when we say "coming from the Province of Quebec", we all come from the Province of Quebec. My father-in-law came here a few years ago.

MR. BEER: Recently though.

--- Mr. Gathercole took his place at this point.

THE CHAIRMAN: Charles and Gary, have you any observations you want to make on the further work that you feel to be necessary or desirable within the secretariat, to fortify this approach?

MR. BEER: I think we have tried to establish contact with the Municipal Affairs and Attorney General's Department who are getting us some of these facts which we would like to have, and the basic problem is getting these. I think it is going to help us a great deal to find out what services in Timmins and Eastview, in that there is a good solid proportion there of French-speaking people, so that we have some idea of what would be involved in these areas in the north and the east.

Again, the overtures we have made to Quebec, and following along with President Symons' suggestion, we have mentioned in the letter certain areas that we thought would be important and comparable to what we would have to do in the way of surveys here -- the Eastern Townships of Quebec and so on. At least we might get a figure of what it costs.

Then through these surveys we are getting a full list of bilingual personnel from the Attorney General's department, broken down in terms of county judges, magistrates. At the present time in Sudbury everybody in the Land Titles office is French-speaking and any time an English-speaking person whips in he is quickly thrown out because nobody will speak to him - actually things like that which at least will tell us what the personnel is that is involved and that will give us an idea about costs, because we may find out the personnel is there and therefore the cost is in terms of paper or administrative work.

All I can think of at the present time is that we have got to continue with that aspect of it, and then there is the broader question which you also raised earlier, but as far as the research we are trying to get these cost figures and all we can do is keep phoning and asking if the study has been done.

THE CHAIRMAN: Don, do you have anything to add? I know we have been over the ground rather descriptively.

MR. STEVENSON: I think my main comment would be that I do not think you can expect that we will be able to get very definitive information on the municipal situation. I think we will be able to get certainly as much information as would be needed for decisions in the judicial area, which is not too difficult to obtain, and we have got a lot of information now on departmental administration.

The trouble with the local administration is that through Municipal Affairs a lot of people in head office do not know that much. They are trying to get some, through the Department, direct from the municipalities.

We had concocted a little scheme for sending around our Franco-Ontarian to test out local municipalities on the spot, but this is not too good a procedure, and I think the whole thing^{-ed} has to be implement/ by Municipal Affairs.

So that I think we get to the stage where we are almost at a decision point with not as much information as we would like in the Municipal Affairs area, but we will try to get as much as we possibly can and concentrate on this whole area over the next month.

THE CHAIRMAN: Okay, very good.

MR. SEGUIN: I have just one thing.

I think Municipal Affairs, if Charles went to some of the municipalities himself, he would get all the information. If he went to Eastview, Timmins, Sudbury, it is a matter of 24 hours in those places and he would get all the information. You won't get anything from Municipal Affairs because everybody corresponds with Municipal Affairs in English. I suggest if somebody like Charles ---

MR. BEER: This is one of the problems that arose when Gary and I were at this meeting with these people and they said they would get in touch with certain people, and we sort of felt: "Well, perhaps we could be involved in these meetings"; but it appeared, I think, certain at this juncture that until they know perhaps (maybe they were worried about the concept and wanted to check it out) that they ~~did~~ not want us there.

I did not want to step on too many toes at this juncture. Of course, probably the last two weeks we could have gone and spoken to these various people but, as we have got to work with these various departments, we felt that after they got a report in we could say we have further questions or we could go and see other people. This is another problem here, but I am sure we will be quite happy to go and talk to these people.

PROF. BRADY: Has the gentleman (I forget his name) who is in the Law Faculty in the University of Ottawa ---

MR. STEVENSON: Benoit.

PROF. BRADY: Has he covered any information of this kind?

MR. STEVENSON: Yes, he had, Mr. Chairman, but one of the things was that it is not that useful for the bilingual district because his area was southwestern Ontario, where the main concern of the Franco-Ontarians was first with radio and television facilities, secondly with educational facilities; thirdly with more break-out of the religious situation in the French-speaking parishes. The question of local administration was not at the top of the list, because here were places where you had Franco-Ontarians of small proportion in the total population. Priorities would be a bit different in eastern and northern Ontario where you had predominantly French-speaking population.

THE CHAIRMAN: In view of the hour, I think we might move on.

MR. PERRY: I would like to compliment the staff on this monumental piece of research.

PROF. SYMONS: Hear! Hear!

MR. PERRY: This whole thing in my own mind was quite nebulous, and now it is really beginning to take shape.

THE CHAIRMAN: I think we have a very clear view of what the physiognomy of the situation is, and policy alternatives are probably not too difficult to deduce either.

Would you like to pass around the list of studies? Time is running out and if we might turn to the two points that Mr. Robarts wants to consider with us.

MR. STEVENSON: With regard to that list, the studies that are mentioned there are only those prepared by the Committee or Committee members themselves. There are two or three there that we are sure you probably would not want to have published, though we think the majority of them are quite suitable.

At least three of the studies made by other people for the Committee, we felt, would be useful. One would be the analysis of briefs to the Bilingualism and Biculturalism Commission emanating from Ontario and Quebec, which was done by Elizabeth Way that first summer. Another would be "Treaty Making Powers in Canada" done by Mr. DeLisle last summer. Another one might be the one done rather early in the Committee's tenure: "The Making of Federal Constitutions - Study in Constitution-Making Processes in a Number of Federal Countries", which was done by Mr. Mesbur in the summer of 1965. These three, which were complete studies in final form, we felt should probably be added to this list.

The ones that are there, you are sure to want particularly to think more about the report of the fiscal and economic sub-committee.

I am sorry that Dr. Forsey is not here,

because I know that his paper, for instance, on the "Constitutional Monarchy and the Provinces" was done rather quickly, and I am not sure whether he felt this was the kind of thing he would like to see published, but most of the others are of somewhat more permanent nature.

THE CHAIRMAN: I think the thing we want to establish today is the matter of principle. I know we have been over this ground many times and we have been over it with the Prime Minister. He is reluctant indeed to ask the Committee to put itself in a position it does not want to be in in respect to making any of this work public.

I do not know how strongly he will express himself on this today, but I do know that he does feel that it would not only be helpful to him, but he even thinks helpful to the Committee and to the public in general, indeed, if some of the work which his own examination has led him to believe is of some considerable value to the Confederation debates, if this were available in whatever form the Committee might choose, whether it is simply individuals releasing papers prepared for the Committee, or whether it is the Committee releasing them, or whether they are studies released without identification of individuals, or whatever. That is the point.

We drew this up as a sample, and I do feel that perhaps the one under Economic and Fiscal has perhaps been overtaken by events and may be a

little complicating for the Ontario Government.

However, there they are.

MR. GATHERCOLE: Doesn't this present a bit of a problem? I am sorry that I have not been down to all the meetings, but when we went over some of these reports there was considerable difference of opinion voiced and also differences of view or opinion which were not voiced. If some of these papers were distributed and distributed under the name of the Ontario Advisory Committee on Confederation, then there is identification of all the members with the views expressed in that document, which may not actually hold true and to which others might take exception.

This is one of the problems that is involved in it, so it might be better advisable to have some of the reports which are thought to serve a useful purpose in making a contribution to the debate on Confederation, to be released under the authorship of the individual or individuals concerned. I think this has the advantage of avoiding going all over the reports, and those who have differences of view, and contributing some minor qualifications to it. There are a number of these documents in which we might be finding quite a few minor or major dissents from the main paper.

THE CHAIRMAN: Quite a job.

PROF. SYMONS: Mr. Chairman, I think Mr. Gathercole's essential point is well taken.

I think it becomes difficult then if you get into a situation where you want to prepare appendices of dissent for documents, and whether you can use the formula of simply: "The author prepared for the Ontario Advisory Committee on Confederation", and that, I think, in no way ---

PROF. BRADY: "and the views are the responsibility of the author".

PROF. SYMONS: Yes.

THE CHAIRMAN: Is this not the practice of Royal Commissions? There must be hundreds of special studies prepared by Royal Commissions that do not represent the views of the Commission.

MR. PERRY: We are publishing twenty-five, and I suppose at least half of them have been adopted in the reverse sense.

PROF. McWHINNEY: There is a standard formula we use when we have foundation grants: "The views expressed are those of the person and not necessarily those of the organization".

DEAN LEDERMAN: I think the name should be on this paper of the author and this formula such as has been suggested: "These are not necessarily the views of the whole Committee".

MR. SEGUIN: Who gets the royalty?

MR. PERRY: Is it not the corollary of this, that we eliminate statements that do represent the views of the Committee?

PROF. McWHINNEY: Yes, sub-committee reports

as such, I think, should be eliminated. I take it the economic and fiscal report here is in fact a collective report.

THE CHAIRMAN: Quite.

PROF. McWHINNEY: Perhaps that should be eliminated, unless members of the Committee wish to adopt it as it stands.

DEAN LEDERMAN: We did in fact do that.

THE CHAIRMAN: We did in fact adopt it.

DEAN LEDERMAN: It was overtaken by events.

PROF. McWHINNEY: We adopted a recommendation. We did not adopt it surely in terms.

THE CHAIRMAN: We adopted unanimously that this paper be put forward as representing the view of the Committee to the Government.

DEAN LEDERMAN: At our two-day meeting a year ago we did this.

MR. STEVENSON: We just put that one in to represent the Economic and Fiscal Committee with something. We really didn't feel ---

PROF. McIVOR: Just if someone in the Legislature asks the question: "Has this Committee in its two years of operation been able to agree on anything?", there is one document.

THE CHAIRMAN: I thought it would be so much more fun if there were not, for that reason there were no such document, and we could simply say "No".

PROF. CREIGHTON: Mr. Chairman, is the phrase "overtaken by events" a euphemism for the

fact that the report disagrees with the policy of the Government?

THE CHAIRMAN: You can't get away with very much around here.

PROF. CREIGHTON: And, if so, ought not we to publish it for that very reason?

PROF. McWHINNEY: May I ask you, Mr. Chairman, what sort of publication you are envisaging? For example, the B and B Commission has not yet published generally but have done a bit on a selective basis. I have got some B and B reports. In the case of the Ontario Government what sort of publication are you envisaging?

THE CHAIRMAN: I had not thought very far in mechanical terms, but I think one might, with the approval of the Government, simply prepare a kind of off-print loose-bound collection, paper-covered collection that we could print up here, and then could be made available, in the first instance, I presume, to the members of the Legislature, which they could then all digest prior to their debate on the subject in the Legislature. We might well contribute to the quality of the debate.

MR. GATHERCOLE: Mr. Chairman, you are suggesting that these reports, or studies, that they be typed out and transcribed in the sort of fashion of some of these - rather than in typographic, you are not suggesting typing itself?

THE CHAIRMAN: No, just as the provincial

budget, with just a binder, and off-print typing rather than stencil.

DEAN LEDERMAN: I would think the first priority (just a thought) would be to make it available to the members of the Legislature, which means, I suppose, to the press as well.

THE CHAIRMAN: Yes. They won't read it though.

DEAN LEDERMAN: But as an Advisory Committee we have some obligation to the members of the Legislature as a whole, I think.

PROF. CREIGHTON: Would I be in order if I moved that as the result of the fact that the report of the Economic and Fiscal Committee has in fact been adopted by this general Committee, it should be included in the list recommended to be made public?

THE CHAIRMAN: This raises another question of protocol or procedure. It all depends how the Prime Minister puts his request. Is he requesting the Committee to release some papers, or is he requesting permission to release papers from the Committee? I think it would probably be better if the Committee released the papers, and I think it really should. In fact, this is one point you might wish to discuss with him. I really think the Committee should release the papers and make that decision, and then it does not put the Government in the position of having said: "We want

this released and not that", so to speak.

PROF. BRADY: If the papers contain recommendations which were intended, of course, to be supplied simply to the Government, is it desirable to publish those?

THE CHAIRMAN: This is the point at issue.

PROF. CREIGHTON: That is the whole point, of course.

MR. PERRY: I would think in the interest of retaining the continuing goodwill of the members of the economic and fiscal sub-committee, that some paper might be published. We have had summaries of certain developments in fiscal matters, the conditional scheme. Couldn't we get something?

THE CHAIRMAN: I should say frankly this thing does not worry me at all. The fact that it differs slightly from the position which the Government took last October, is quite tenable, because, as I pointed out at the time, only certain things were put on the table for negotiation at the meetings last autumn; and if the Federal-Provincial meetings had adopted the broad wisdom of that committee, then we would not have had any troubles.

PROF. CREIGHTON: Hear! Hear!

PROF. McIVOR: Perhaps you would agree to a slight amendment, Professor Creighton: notwithstanding the fact that the Committee has agreed, we recommend that this be released.

DEAN LEDERMAN: In the case of a report

like that of the Economic sub-committee - and it is in a class by itself at the moment as far as having got through the whole Committee is concerned - I suppose the last word is to be left with Mr. Roberts on a study of that kind.

THE CHAIRMAN: There is also the Symons paper was the other thing that was a unanimous recommendation of the whole Committee.

DEAN LEDERMAN: That is right.

THE CHAIRMAN: And there we can say: "Yes, we took the advice on the one and not the other".

DEAN LEDERMAN: If the Prime Minister does not object, why should we?

THE CHAIRMAN: I agree.

MR. PERRY: Didn't we end up somewhere in the Supreme Court - this is not a very delicate way of dealing with it.

THE CHAIRMAN: We put in a recommendation on the Supreme Court, just a short resolution.

DEAN LEDERMAN: I think that would have to be written up a bit more extensively before it would be helpful.

THE CHAIRMAN: Scarcely qualified as sitting on it.

PROF. McWHINNEY: Which one are you speaking of, my paper or the Committee's?

DEAN LEDERMAN: Not your paper, but we had three or four propositions that we agreed on.

We hadn't really written up the background of this proposition.

PROF. McWHINNEY: My own paper undoubtedly would differ in some respects from the views of some of the Committee, but I think it is sufficiently clearly indicated in the writing it is personal views.

On the other hand, my paper No. 7 in some ways I would almost like to look at it again if it were to be published because there were some critical evaluations of court decisions. I know the assistant I was working with may have put in some unkind phrases about judges, and I think I would eliminate all of them or neutralize them, I would like for protection.

THE CHAIRMAN: I think that is fair enough.

PROF. McWHINNEY: This happened to be a boy of French-Swiss origin, and he was freer about criticizing, for example, Chief Justice Taschereau than I would have been.

DEAN LEDERMAN: As long as you are not practising in the courts, you are all right.

MR. SEGUIN: You never know. Might be employed by Bell Telephone as a consultant.

MR. GATHERCOLE: Mr. Chairman, isn't the observation which Dr. McWhinney made applicable to some of the other reports in the light of the thinking of today and perhaps changes which have

transpired since the report was prepared and considered?

I can think of the time that we were going over the report on economic and fiscal matters, that in my own mind I did not visualize that the report was going to be other than a confidential document to the government, to guide the government; and if it were to be published, then I think there may be some members of the Committee, as there may be in some of the sub-committees who would wish to review it in the light of the use to which it was now going to be put.

PROF. McIVOR: As far as I am concerned, Mr. Chairman, as a member of the economic and fiscal sub-committee, I see no objection whatever to releasing this as a position paper of that date. The fact that things have happened since then is no serious matter as far as I can see.

PROF. FOX: I think this raises a real point though that if we start going back over the papers now and changing them all now that we think might be unsuitable if they were published, we are apt to water them down.

THE CHAIRMAN: And we are apt to be found out.

PROF. FOX: We are apt to distort the quality of the papers.

This raises my second point. I hope it will be indicated when these are published, that

these are only some of the things the Committee has done. Because if the Legislature were to assume that this is all this Committee had done in two years, worthy as these papers are I do not think it represents all the work we have actually put into the whole business.

THE CHAIRMAN: I was going to say that last year the Opposition moved in the House that the vote be reduced to one dollar, because they had not seen any evidence of the work of the Committee. We will get some evidence out and it will be interesting to see what price they put on it then. (Laughter)

MR. GATHERCOLE: You mean the price may come down?

THE CHAIRMAN: \$2.50 will be very important to our morale.

PROF. McWHINNEY: If I may say so, this covers what you are doing on paper, but if in fact it is a matter of properly indicating the range of activity the Committee has been engaged in, all of us have been influenced by the work here, and I have published for one myself considerably more publications than are listed here, and so has Bill I know. We can always give you further lists of work done in that period in a way that has benefitted by colleague's advice here.

THE CHAIRMAN: We have other commission papers and Ron Watts will be coming up with a very extensive document, I know.

PROF. McWHINNEY: I, for one, wrote a book that was considerably influenced by the posing of problems on the Committee, and Bill, I know, has got a couple of articles coming out.

MR. GATHERCOLE: Just to add to that, it would appear to me that of equal, if not greater value, to demonstrate the range of subjects and work upon which the Committee has been engaged, it would be desirable to have a list or catalogue of all the subjects to which the Committee had been devoting its time.

THE CHAIRMAN: I might try to write a little foreword that would cover the sense of the multiple involvement of the Committee and so on in some of the things that have just been stated; then, as you say, George, have in addition a note on the range of enquiry of the Committee in its considerations; and pointing out, as you have, Ted, that the Committee members individually have both received ideas and contributed ideas here which have generated a wider expression of opinion - as has been evidenced by a letter only this week by Dr. Forsey to the Globe and Mail.

PROF. McWHINNEY: Le Devoir used the letter from Dr. Forsey answering Claude Ryan. Very nice French that he used.

THE CHAIRMAN: Does it use very nice language?

PROF. McWHINNEY: Yes, he used an archaic

French phrase at one stage. I was rather curious.

DEAN LEDERMAN: Is he as pungent in French as in English?

PROF. McWHINNEY: He is extremely polite in French. I don't think French lends itself to pungency. The weapon is the foil.

THE CHAIRMAN: I think we have enough of this to come to some fairly positive agreement with Mr. Robarts when he comes in.

The next point is the Confederation of Tomorrow Conference. As you know, he has announced his intention; he has discussed this subject frequently in recent public speeches. I know he has had many conversations with many individuals about it, and the press have received the exchange of correspondence with the Prime Minister of Canada, which was also circulated to all other Premiers. We also know that Ottawa is not overly enthusiastic about the proposal.

PROF. BRADY: Would it be proper to ask for information? Have all the provinces approved of the idea?

THE CHAIRMAN: I don't know, to tell you the truth. It is something you might want to raise with him.

PROF. McWHINNEY: Has it been raised formally with all the provinces or with any of them?

THE CHAIRMAN: I am frankly not certain what exactly he may have written to the other Premiers

in his correspondence. I think this is something we want to know, but the questions in his mind now are quasi-procedural. He has been giving a great deal of thought to it, I know.

As far as the home political front is concerned, I believe that Mr. MacDonald has at least given a qualified approval to the idea, and Mr. Nixon has not approved the idea; and the first resolution on the Order Paper we have tabled in the Legislature after Easter as a means of having a debate on Confederation, will be that the Legislature approves the calling of a Confederation of Tomorrow Conference.

PROF. CREIGHTON: Has the Prime Minister any idea of the subjects he wants to take up?

THE CHAIRMAN: I think he has an idea he might want to try some of these out on you, and I think he wants to know other views that this Committee may have on appropriate items.

As I said this morning, it is just a matter that he really wanted to have an informal discussion with the Committee here before he carries his thinking further, and before we move further in suggestions to him.

PROF. McWHINNEY: I was discussing in the constitutional sub-committee this morning, this paper on protection of civil liberties in the provinces, and particularly with reference to Quebec I mentioned one of the aspects of the revolution in Quebec is a general movement for law

reform which includes getting the provincial constitution in one Act, provincial Bill of Rights, and also a Bill of Rights in the Civil Code and the private law. One of the things that is being raised in Quebec apparently by both parties is the idea of a uniform Bill of Rights to be adopted by all provinces.

On the issue of constitutional reform generally so far as it lies within the provincial jurisdiction and competence, you are all aware, of course, that except for certain small elements that are limited by the B.N.A. Act, the reform of the provincial constitution is essentially within the provincial competence.

Secondly, there is the issue of uniform Bill of Rights, Quebec and Ontario adopting identical texts. Is that, for example, the sort of thing that the Prime Minister here would envisage?

THE CHAIRMAN: Perhaps I might quote a bit from your memorandum from the secretariat, Charles, just to give a bit of flavour here. This is some thinking that our staff has done on this, and it says:

"The Secretariat, in attempting to
"define more clearly an agenda or outline for
"the Confederation of Tomorrow Conference,
"has come face to face with one major
"problem. This is the question of
"whether there is to be one or many meetings.

"Both alternatives are possible although
"it would appear that Premier Robarts would
"like to see a series of conferences. We
"understand that this is also the feeling
"of Premier Johnson's advisors in Quebec."

MR. STEVENSON: Very strong feeling.

THE CHAIRMAN: Very strong feeling.

"The suggestion for a series of
"meetings eliminates the necessity and
"possibility of having one great meeting at
"which all cards would be laid on the table.

"Assuming that Premier Robarts'
"conference would be the first, some kind of
"general structure would have to be worked
"out as to the scope of all the meetings.

"It is possible that this first meeting
"could address the question - 'What kind
"of Canada do we want?' - This suggestion
"will, no doubt, raise the immediate
"rejoinder that such a discussion would
"resolve around platitudes, heard all too
"often. Everyone will be in favour of God
"and motherhood. However, it need not be
"this way if the Premiers and Prime Minister
"are impressed with the need for clear
"well-thought out conceptions of where the
"country should go in the next hundred years.
"Once this is done a perspective will be
"achieved in which discussion of more specific

"issues can profitably take place.

"It might then be possible to have
"meetings on the following topics:

"(1) The Division of Legislative and
Executive Powers In Canada
(e.g., Sections 91, 92 and 95)

"(2) Economic, Monetary and Fiscal
Problems

"(3) Federal-Provincial Co-ordination
" and Co-operation.

"(4) The Role of Federal Institutions

" - the Governor-General

" - the Senate

" - the Supreme Court

"(5) Guarantees of Minority Rights

"Conferences on these various questions
"could all be held in Ontario or, preferably,
"in some of the other provinces. Manitoba,
"Quebec, New Brunswick and Nova Scotia come
"to mind as their Premiers seem to be
"somewhat more interested in the
"'Confederation Problem' than the other
"Premiers are.

"Such an arrangement in which several
"provinces might participate would necessitate
"close cooperation among all the hosts to
"ensure that each conference succeeded the
"other in a logical way. These meetings
"could be arranged at two or three month

"intervals ending with a full scale Federal-Provincial meeting at Ottawa in late 1968 or early 1969."

I do know one thing that interests me a great deal and I know interests the Prime Minister, is the very first thing he put on our agenda two years ago, and that is the institution of the Federal-Provincial Conference as such.

Now, Ted, you pointed out in your article, as I recall, that this is by no means a constitutional creature; it is something that has grown up, and it raises many questions. Is this the kind of creature we want? Is it becoming a super Parliament? If we want it in the way it is now done, what kind of machinery for support or responsibility or control do we want? Do we want it to be private or public institution. And the point I have made now and again - I do not put it forward as a very strong justification - that it is rather difficult for a Federal-Provincial Conference to diagnose itself; and therefore one of the additions of a different form of attack that will stand aside and look at the history and trend and development of the Federal-Provincial Conference, to see if it really sums up so much of the Canadian Federal system of government that it is very good ground on which to commence an examination of particular issues.

PROF. CREIGHTON: Mr. Chairman, surely that belongs to a different category of question.

We started off by suggesting that the proper theme of this first meeting would be the future of Confederation. Well, the Dominion-Provincial Conference is a convention of the present constitution, surely. If you proceed to examine ultimate goals and division of power and all the rest of it, presumably this question of the Dominion-Provincial Conference might disappear completely. Surely it is a different order of thing entirely.

This is what puzzles me, because you start off grandly to examine the aims of Confederation, but does Mr. Robarts and does the present Cabinet of Ontario have a considered view about what should be done or is this meeting simply called to let others blow off steam? Have they got a programme for the revision of the constitution, starting with an examination of its ultimate aims? All this puzzles me completely.

PROF. McWHINNEY: One is concerned with goals and the other with institutions for implementing goals, and you have to face the fact now that the key decision-making organ in the present Federal structure is the Dominion-Provincial Conference; and in a way the attrition or lack of progress in some other areas of constitutional policy-making is a consequence of this use of the Dominion-Provincial Conference. I think the moment you get down from goals to specific questions of how you implement them, this is probably the first ---

PROF. CREIGHTON: You might result in a completely different kind of federation, and the Dominion-Provincial Conference may not be necessary any longer. The Dominion-Provincial Conference is surely a convention of the present one which had developed by reason of need which arose because of the nature of the present constitution.

DEAN LEDERMAN: It is not a true situation of decision-making. I think in our full discussion we have covered that to our own satisfaction. It is a "take it or leave it" gathering, this is the real criticism of it at the present time. The real decisions are made beforehand and laid on the table.

PROF. McWHINNEY: Well, it is an area though where consensus, whether made happily or made under duress, it is where the consensus emerges, and it is one of the institutions that has filled a gap in the absence of an amending machinery, Fulton-Favreau and the like. I do not think you can get away from the fact that it is law in action. This is the dominant institution at present.

I agree with Donald it is different from the issue of goals, but I take it the Prime Minister would not ---

PROF. CREIGHTON: It is a different thing. If you want to attack the present constitution, this is certainly one of the major issues; but if you want to go on to re-state goals of the ultimate aims

of Confederation, it seems to me it has about the
 nth status as far as priority.

PROF. McWHINNEY: Would you say there are
 two tiers, one concerned with goals and one concerned
 with the method of implementing?

PROF. CREIGHTON: Method of implementing
 should be division of powers, among other things.

PROF. McWHINNEY: That assumes no
 position over constitutional novation. Some people,
 I take it, would not go as far as that.

PROF. CREIGHTON: I know if you are
 discussing aims, that is one of the aims; it is a
 conceivable aim.

DEAN LEDERMAN: If we are going to talk
 of aims of Confederation first, we talk about welfare
 and well-being of our people at home and our place
 in the world and what we are trying to do by
 government by our people. On the other hand, the
 next thing you attack is how much of this, the
 institutional question, how much of this can we
 accomplish within the limits of the present
 constitution and with the institutions of the present
 constitution. What is the value of our present
 institutions anyway, because I think you know
 something of my view that just about everything we
 need to do can be done in one way or another within
 the limits of the present constitution. I certainly
 would not want to see that question neglected on the
 institutional side. I would not want to see this

series of conferences start out on the assumption that there is a great task of constitutional novation to be gone through. I do not think there is.

PROF. CREIGHTON: Isn't that the assumption that lies behind the very idea of Confederation of Tomorrow?

PROF. McWHINNEY: Not necessarily. Do not forget here, if you take this position, let us say it became Ontario's position, you would get a reversal of position. As you know, Claude Ryan has drawn the line just from the Kingston Conference that French Canada has got to be oriented and problem-oriented and institution-oriented; and the way in which Trudeau certainly took off in his speech last week was that you had to discuss goals in relation to institutional machinery. I think this is a healthy development and in a way I think the discussion of goals alone is going to end up in the sort of Soviet delegation debate of previous years, a discussion of isolation, and we all should initially try to get the Confederation debate away from that. I would not denigrate goals.

PROF. CREIGHTON: I am not denigrating them either. I was saying this was what was said was the purpose of the first meeting.

PROF. McIVOR: Mr. Chairman, on a somewhat different level, when we discussed this Confederation of Tomorrow Conference (I think it was in our genesis)

we were bringing out that there were at least two very useful and essential purposes that might be served. The first idea was to provide the opportunity for the serious discussion of issues relating to the future of Confederation on the part of the political leaders and their advisers; on the other hand there was the invaluable process of public education to be furthered by some sort of operation of this kind, and we envisaged this as being essentially two - they are inter-related but two distinct problems.

In this connection I gather that the Prime Minister has committed himself to the notion of an open meeting (whatever that means) and my question is: Do you know whether the Prime Minister has arrived at his views as to who the participants at this Conference should be? What does he envisage as the nature of the representatives at such a Conference, and what is the major function that it is going to serve in the terms of serious discussion or public education?

THE CHAIRMAN: Following our January meeting, I reported rather fully on the discussion we had here. As a matter of fact, I spent nearly an afternoon with him on that matter. He has a strong conviction about the public aspect. His interpretation of "public" is not some kind of Estates General gathering, but rather a meeting of the political heads but a meeting open to the public

through the medium of the press and the communications people.

DEAN LEDERMAN: But the participants, the heads of government.

THE CHAIRMAN: Yes.

PROF. SYMONS: The participants only the heads of government, Mr. Chairman?

PROF. McWHINNEY: Opposition leaders?

THE CHAIRMAN: As far as he is concerned, it is only the heads of government. I think some of the Opposition leaders have put their names forward in the interval.

PROF. SYMONS: I wonder if it wouldn't be worth raising it with him?

THE CHAIRMAN: By all means, any of these points; that is why he wants to talk today, to have views on any of these things. Please get them out here; now is the time. Do you think this is a worthy point? I have thought of it from time to time, I must say.

PROF. SYMONS: I think it is a very essential point.

PROF. CREIGHTON: Do you think the list of participants ought to be broadened?

PROF. SYMONS: The expected participants have not been identified yet.

MR. PERRY: I was just asking the question as to whether the Federal Government would be invited to them.

THE CHAIRMAN: By all means.

MR. GATHERCOLE: Mr. Chairman, I would rather question whether the Premiers of the provinces are going to accept an arrangement under which the leaders of the Opposition parties would participate in such a conference. It may be that Premier Robarts might be prepared to do it, and I don't know whether he would or not, but it is conceivable that one Premier of a province would be prepared to do that, but I think generally speaking you would find that most of the Premiers would be very loath to open the conference up to the point where the Leaders of Opposition Parties would also be present and voicing their differences of opinion. I think this would then break down into almost a chaotic condition which would not be productive of as effective a result as where the heads of government (with such representatives as they wish to have with them) take part in the discussion.

PROF. SYMONS: I do see that point very clearly, Mr. Chairman, and agree that it is a very difficult one. I feel that it is one that we ought at least look at pretty early and see if there is any advice we can offer to the Prime Minister. We would be failing in our obligation if we did not see that he at least turned it over pretty actively in his mind.

The reaction in this province, for example, has been terribly unfortunate in terms of this

Conference, and I think a knowledge at an earlier stage of who will be participating would have helped the suggestion being received more warmly than it has been.

PROF. BRADY: I think it is true, however, that in some of the other provinces the Premiers would not be enthusiastic about having their opponents. Think of New Brunswick, for example, or think of Joey Smallwood.

THE CHAIRMAN: The problem there would be to think of the leader of the Opposition.

MR. GATHERCOLE: Personally I cannot consider in my own mind, with due respect to having a thorough out-going discussion, I just fail to see that a really serious discussion of how to achieve the goals of federation and a cohesive Canada could be realized from such a wide-open participation by so many individuals of differing objectives and interests.

PROF. BRADY: The representatives of the government are after all the heads of governments; they are responsible politicians. When you bring in the Opposition, I won't say you are bringing in the irresponsible, but you are bringing in a politician in a different capacity altogether; how, for example, he would debate a question, discuss a question before a conference is determined, by his opposition bias, and what he may derive, as it were, from the opinions that he would express for public consumption.

DEAN LEDERMAN: There is another problem here, Mr. Chairman. Whatever is planned has to be sufficiently attractive to get Ottawa's consent, in the sense that the proper people from Ottawa would attend; because all this comes to nothing, as far as I am concerned, if Ottawa does not attend.

PROF. McWHINNEY: That may be too drastic in view of Mr. Pearson's attitude, but certainly you would have to have the major provinces in, and if the thing is dull in some provinces ---

DEAN LEDERMAN: I am not in favour of the whole range of federal practices being opened up and the Federal Government being absent, even if the other nine provinces all consented to come.

PROF. McWHINNEY: You would, in effect, allow a certain veto to operate? This is your political problem really.

DEAN LEDERMAN: I would certainly allow that veto to operate. I don't want Hamlet without the Prince of Denmark.

THE CHAIRMAN: Which is which?

DEAN LEDERMAN: I won't go any further, but maybe you can identify the Prince of Denmark.

PROF. McWHINNEY: I think you could have a very effective - whether Quebec would want to do it - you could certainly have a bilateral Ontario-Quebec conference that would be of great importance and value. It may be Prime Minister Robarts may not wish to do that and he would have some criticism

of it, but certainly from the institutional viewpoint you could gain a tremendous amount from such an exchange, but you could not obviously hold a conference with just Ontario and Prince Edward Island.

DEAN LEDERMAN: An Ontario-Quebec conference which purported to deal with the whole range of federal issues would antagonize not only Ottawa but the other provinces.

MR. STEVENSON: Mr. Chairman, cannot we take it back in the expected direction? Now, the fact is that Mr. Robarts is committed to calling a conference and, I think, inviting the other provinces and the Federal Government and, I think, even going ahead with it if one or two may not come, and I think one of those ones might well be the Federal Government. I would think now that he is maybe committed to going on with it without the Federal Government, if the Federal Government decides not to come. Mr. Pearson has said: "By all means go ahead; have your conference" but he didn't say he would come.

THE CHAIRMAN: My guess is that all the provinces will come at this juncture with the exception of the two outlying provinces - not, I think, for any special reasons, except they are less inclined to go to conferences.

PROF. McWHINNEY: Which is the other outlying one apart from Newfoundland?

THE CHAIRMAN: B.C. and Newfoundland.

PROF. McWHINNEY: Why would B.C. refuse?

THE CHAIRMAN: There is a strong feeling there that they like to minimize their trips.

PROF. McWHINNEY: Seemed to me they were trying to maximize their identification to the other provinces in the Supreme Court last week.

PROF. CREIGHTON: This is the 1887 inter-provincial conference all over again, from which nothing resulted at all.

PROF. SYMONS: Mr. Chairman, if a number of the provinces and possibly the Dominion Government may not attend, does this suggest that maybe we are looking at the question of the character of the Conference as it is stressed by the participants from different possible points of view? Need the conference be exclusively elected political leaders of the jurisdictions concerned? In fact, is there not very good argument, if we want to achieve the objectives that Mr. Robarts has outlined, for a series of conferences on various matters that Ontario, or Ontario with a committee of interested provinces, could plan and fashion and conduct this series of conferences with a very strong and very useful official participation, but that these conferences could be wider, more liberal than that?

DEAN LEDERMAN: My own remarks, Mr. Chairman, related to a conference of heads of government. If you plan a conference of rather different type of participants, that is another

matter. One then looks at who the others would be, and no doubt this type of conference could serve the public information angle well.

PROF. BRADY: In the nature of things you begin to select these certain representative people.

DEAN LEDERMAN: Yes, you do.

PROF. BRADY: If Mr. Pearson didn't come (and I suspect he may not be anxious to come) it does not follow that there would be no Federal representation, but it is not necessary, in other words; I would not say it is necessary.

DEAN LEDERMAN: Well, if he sent someone of some senior Cabinet member with authority to speak for him, this of course is participation.

PROF. McWHINNEY: It is a faint-hearted illustration, an attempt to minimize. Perhaps, just as you say, if he sent Trudeau, for example, or Marchand, he might get a better representation of the Federal viewpoint than if he came himself, but it has not the power behind it.

MR. PERRY: Mr. Chairman, these are important points as to who comes and in what status they come; but I would be more concerned to assure that something novel and interesting is going to happen once this thing does start. The real danger is that all the old, well-worn and hackneyed expressions of view ---

PROF. Creighton: Hear! Hear!

MR. PERRY: are traded, and everyone comes away saying: "Just another old conference about things we have heard a dozen times".

PROF. CREIGHTON: And the only positive thing will be a repetition of Mr. Johnson's last attempt at the Dominion-Provincial Conference.

MR. PERRY: Would it be possible to think of these Premiers as sort of being a seminar having papers by ---

PROF. McWHINNEY: This Committee?

(Laughter)

MR. PERRY: I deliberately dismissed this Committee from my thoughts, but from experts from various areas, to deliver papers to them?

THE CHAIRMAN: It would be quite a novel seminar.

MR. PERRY: As is quite often done with the American Congressional Committee. At least one can introduce a few new ideas in the arena of discussion.

PROF. FOX: I was thinking this over one night and came up with a scheme which provided the Premiers with an opportunity to make their speeches to the assembled multitude in the public through media of communication, and then a session that would dissolve into seminars that were sort of work parties around topics, and that might continue however long he wants to have the Conference. I don't know what he is thinking of, two days maybe.

THE CHAIRMAN: Two or three days.

9 PROF. FOX: You might get in two or three of these sessions, and come back again for another plenary to wind up; but it seems to me this would meet the objection that has been raised that you would have nothing but a sort of frenzied display, yet provide an opportunity for the Prime Ministers to say their parts in public, which I am sure they would like to do, and also get something concrete done; because in seminars you might be able to bring in some of the technocrats with the elected representatives. In other words presumably they would want to bring a senior deputy or somebody of that sort and it would help to provide for continuation.

Incidentally, if it were more expeditious, it might provide for some closed seminars. You would not have to have the whole thing open, in other words. It seems to me it is unlikely this Conference is going to result in very much if you have nothing but open seminars.

MR. PERRY: They might also give a fairly good idea of what each of them think about other people's principles and problems anyway. Perhaps they need some new infusion of ideas.

PROF. SYMONS: This is what I had in mind and was trying to get at when I raised the question of who is at this conference. What is its character? If it is just another conference of heads of

government, then I think its prospects are pretty fairly restricted, and I think it is doubtful that the Prime Minister of our province should have convened it. If it is a conference of a wider character that is different from the present machineries for Federal-Provincial consultation, then I think it is a superb thing that the Prime Minister of our province has initiated it; and now the problem is to not lose the value in its official character and in some official participation, but to see that it is a good deal more than that; that there is a variety of participation, that there are some open, some closed sessions, that there is some genuinely useful discussion; that some fresh ideas are looked at or set ideas are looked at freshly. Nothing like that will be achieved by putting the present Premiers of the provinces together in a room, with respect.

MR. GATHERCOLE: Mr. Chairman, if that would be the purpose, that the Conference should be broadened out to include representatives not associated with the heads of government or the Ministers related to them, then I think the selection of the representatives or the participants at the Conference should be much more broadly based than that; because leaders of Opposition parties, they are not able to sit back in a detached way and to examine what are the goals and what is the type of machinery which is best suited to achieving those

goals or objectives. They would have their own interests which they had to press forward with, and I think it would be an intolerable situation to have the Prime Minister, for instance, of Quebec at the present time and the leader of the Opposition. Who speaks for whom? You might find, in my judgment - not you might, you would find that the Conference would degenerate into a debate not perhaps so much between the head of the government of Quebec and the governments of any of the other provinces, but between the head of the government of Quebec and the leader of the Opposition of the same province.

PROF. SYMONS: Good heavens, Mr. Chairman, I could not agree more whole-heartedly. I think you want to move away from that category of person altogether.

MR. GATHERCOLE: I think, Mr. Chairman, that the results would be almost chaotic to have the leaders of Opposition parties present. While I do not think it would work, it may be that in the outcome of such a Conference as proposed and as to be held, will not be everything that everyone would expect; but I am confident in this and I am convinced of it, that the outcome would be much less satisfactory if the leaders of Opposition parties were to be in attendance.

I think if you have the heads of the governments here, the objectives should be -- this is just my personal opinion -- should be to try and

concentrate upon areas in which agreement can be reached. There have been undoubtedly many statements made which show the extreme differences in opinion and they have been well publicized, but I think this Conference might serve a more valid and useful purpose if it were to concentrate upon those areas in which agreement could be achieved.

Now, if one is thinking about broadening it out beyond the heads of government, I do not think this is practical at this stage, but if it were then I believe that what should be done is for the Prime Minister of Ontario to suggest to the Prime Ministers that if they wish to bring to the Conference others who are knowledgeable in this area, they could and attend as representatives, as delegate-representatives of the provinces.

However, I am not suggesting that. I believe that this Conference should be one in which the Prime Ministers of the various provinces should be present, or the representatives of the Prime Ministers of the provinces and the Federal Government along with such individuals as the Prime Ministers themselves determine; and that, as I say, perhaps out of this would come some emphasis upon where there is agreement on goals and also the machinery by which those goals can be realized.

PROF. McWHINNEY: This was in fact the basis on which Mr. Robarts' proposal has been welcomed, as it has been so widely both here and in

Quebec; the assumption being that after a series of interim inventory periods on the present constitution, every province in its own way staking out claims, that it would be time to have a stock-taking of the political heads of state, trying to reach a consensus as to what ought to be changed and how it ought to be changed; and that done, the other thing that George Gathercole suggests, that this should be a conference of heads of state limited really to reaching consensus on areas of change, on some more comprehensive basis than these ad hoc decisions made at the Dominion-Provincial Conference.

I mean, the ultimate decision is Mr. Robarts'. There are two clear alternatives. If he thinks the time is ripe for political decision, that is, this narrow type of conference, he should meet them. Certainly Le Devoir, the Gazette and Montreal Star and all other papers have supported the proposal on that basis.

You could set up a viable alternative of the sort of public conference that Tom proposed and Bill tended to support, but I think the choice between the two must be Mr. Robarts' and I think there is an occasion in the history of Confederation where the first and more limited sort of conference George Gathercole was talking about is timely, and I rather think it is now after a series of, as I say, isolated anarchistically individualistic claims

staked out by particular Premiers; one really needs a sort of overall position on the constitution, where to change it, where to weight it, what to do about tax powers, for example, this sort of thing. This seems more appropriate to the limited heads of state type of conference; but if you want to make a suggestion as an alternative or even a supplement the other way, I think undoubtedly along the lines Tom and Bill were suggesting one could offer useful suggestions. However, in the end, I think Mr. Robarts must make his decision, and I myself assume that he was thinking of the heads of state type of conference that George was talking about.

MR. PERRY: Wouldn't one approach the goals you are aiming at rather gradually? It seems to me this might be the subject of the last conference in the series. Surely there are many irrelevancies have to be stripped away before you reach that stage.

PROF. McWHINNEY: I was not suggesting one conference only. You could well decide you would have two or three over a period of six months or even a year.

MR. PERRY: The idea would be for the first meeting to be for specialists who lecture the Premiers about various things and at which no politician was allowed to speak for two days. It would be a good thing for them to listen for a change.

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PROF. McWHINNEY: One of the points made in the editorial notes, and it is true, is that Ontario has been studying the constitution for two years, but Quebec has been studying the constitution for five years and very secretly. As Pierre Elliot Trudeau said in Montreal last week: "The cat is now out of the bag. We think (the Federal Government) have been studying the constitution and working out proposals for some time". He didn't say how long. "Do you need more specialists to put together the papers you have got from the specialists?"

MR. PERRY: This is not the job for heads of state.

MR. GATHERCOLE: Mr. Chairman, if I might just add one little thought on what I was suggesting, which was not novel in any sense of the word, is it not incompatible with what Harvey Perry said? Perhaps not to the extent that Harvey mentioned.

MR. PERRY: I am trying to be ~~novel~~ in my view.

MR. GATHERCOLE: Perhaps not to the extent that Mr. Perry mentioned that the persons who had specialist knowledge so far as research in this area would monopolize the first two days of the Conference. I consider that to be rather extreme.

On the other hand I do believe that one of the dangers in the Conference which is proposed today -- perhaps it is not so much a danger -- the weakness of the Federal-Provincial Conference perhaps

right from the beginning is that the Prime Ministers are very reluctant to take a stand which might give offense to the representative or head of another province, and thus deprive the Conference of some of the rather free give-and-take that you can obtain from others who can be less diplomatic in their dealings and in their relations with the head of another province.

So it does appear to me that there would be considerable merit at some stage of the Conference at least, in having a number of individuals, particularly in the early stages of the Conference, who would set out a position of how we are going or, first, what the goals or aims should be, and then what is the practical manner or way in which these goals and aims can be realized, and then to go on from there.

For instance, the Premier of one province takes a stand, and yet that is incompatible with the realization of a number of goals and aims of the Premiers of some of the other provinces. The Premiers of the other provinces, not wishing to muddy the waters, is apt to accept that without coming back with a rather strong rebuttal: "How are you going to work that out? How are you going to achieve your result, your objective, without impairing the realization of other objectives?".

So the difficulty and the weakness is that they do not really get down to grips with the

problem, and so it may be that the most effective results would be obtained if there ~~are~~ others there who would point out that there are incompatibilities and conflicts between these goals, and that there has to be sacrifice on the part of representatives of some provinces if the overall end is going to be achieved.

MR. STEVENSON: One of them probably being a suggestion from an outsider that there be five provinces instead of ten, as an example.

PROF. McWHINNEY: Or that the two big provinces be broken up into city provinces.

MR. STEVENSON: Right.

PROF. McWHINNEY: On the German model - province of Toronto, province of Montreal.

MR. STEVENSON: From the conferences I have been present at, it is quite obvious that some of the other Premiers felt that Prince Edward Island is in no real position to talk about a particular subject, because it just cannot possibly be equipped to deal with such a subject administratively or in terms of the staff there. Now, no other Premier has really had the temerity to suggest that perhaps Prince Edward Island should not be in this area.

DEAN LEDERMAN: I would not try it now either.

MR. STEVENSON: But an outsider might.

MR. GATHERCOLE: This runs right down

through the whole range of questions. You express one of the extreme examples, but there are so many others in this area, and I think it might be helpful if each Premier would bring to the Conference some of his authorities or persons who have specialist knowledge of all the ramifications or many of the ramifications of the whole range of Federal-Provincial matters.

THE CHAIRMAN: We can get this Committee to put up a model of a new Canada and just let it out there.

PROF. CREIGHTON: This is the trouble, Mr. Chairman. I mean, what is Mr. Robarts going to propose? His own speeches do not give any very clear idea of the kind of Canada he wants himself, except in very general terms, and one can hardly say he has got very specific recommendations from this Committee as a whole.

I believe that really what we are going to get out of this is one more positive, very well primed, well documented, well opinionated presentation from Quebec who are going to lay it all down as they laid it down last October or September.

PROF. McWHINNEY: Their views have changed.

PROF. CREIGHTON: Then we will take the revised edition of them.

PROF. McWHINNEY: It is always good to be up to date.

PROF. CREIGHTON: I don't know the significance of these endless publications. There are always more.

MR. GATHERCOLE: Which way have they changed? I am not familiar.

PROF. CREIGHTON: Nothing has been subtracted; something has been added; there is a new chapter.

PROF. McWHINNEY: I think they have become much more assimilated to those of other provinces. In other words, the specialist position, it seems, is getting into more of a state's rights or provincial rights position ^{on a more classical basis} I think this can be demonstrated in the Johnson programme.

PROF. CREIGHTON: Gracious, that is the last September one, surely.

PROF. McWHINNEY: No, I think it was more than a ~~specialist~~ position.

MR. PERRY: I wonder if we can reduce this to a concrete suggestion, that the Premier consider important outline presentation speeches, papers (what you will) by three distinguished outsiders at some time during the Conference, maybe at the opening.

MR. GATHERCOLE: I would support that one hundred per cent.

MR. PERRY: Just to get a little involvement of new ideas with a different approach from what

I think is going to be the inevitable standard conference of many of the past Provincial Conferences.

PROF. SYMONS: I would support that too, Mr. Chairman. I think all our discussion has indicated that if there is to be a type of conference in which the heads of state can participate and participate actively, but in which they have an opportunity to listen, and not be the sole participants and not either be committing or seem to be committing their provinces or their administrations to certain positions in the matter.

I think it is important that they have an opportunity to hear a good thoughtful presentation of different positions and that they have an opportunity of hearing some discussion of it and take part in discussion of it, as well as going to certain more formal presentations of their own.

There are various ways this might be achieved. One would be by a sponsoring committee that would issue the invitations after consultation with the Governments; the invitations might be even issued to the individuals after consultation with the Government and this might solve the awkwardness with certain administrations.

MR. GATHERCOLE: Excuse me, Mr. Chairman. Tom, I do not think that is necessary at all. All that is required here is that the Prime Minister of Ontario write to the Prime Ministers of the respective

provinces and suggest that they bring with them some of their advisors.

PROF. SYMONS: Yes.

MR. GATHERCOLE: Who would be prepared to put forward such views or ideas as they wish to; and then have it so that it is not only the Prime Ministers who perhaps voice opinions, but the others who are participating can also give expression to their judgments.

Because the complete problem, as I see it, and one I have already elucidated, is that there is certainly a diplomatic protocol involved always in these conferences, in which every Prime Minister is a little sensitive to irritating one of the other
 11 Premiers of another province; but the net upshot of this is that the one Prime Minister will wish to carry out his aspirations, the aspirations as he visualizes them, but he could be seeing them only in the context of his own province, and they may be only a reflection of the views of his own people as he analyzes and sees the situation; whereas if Canada is going to have some sort of viability for carrying on as a nation, these things have got to ~~be~~ above the aspirations, the goals, mechanism, machinery by which it is done, has to be made to jell together, rather than one set being in conflict with another. They have to be compatible.

PROF. SYMONS: That would be the simplest and most straight-forward and acceptable way: simply

each province name a delegation and perhaps suggest to the Premiers the possibility as well of bringing a varied delegation.

In addition probably, I think there should be a sponsor or planning committee which could try and undertake to find excellent people who prepare very good thoughtful papers, as Harvey has suggested, on specific subjects, which lift the whole thing up to a certain level, and to build up a necessary body of issues for consideration and the data for discussion.

MR. PERRY: This would have the advantage that people could really indirectly demonstrate their position by reacting to this paper, rather than standing up and saying: "We stand for motherhood in Nova Scotia".

MR. GATHERCOLE: I might say, Mr. Chairman, that this would be very refreshing if it were done, because I don't know of any conference in the past in which provinces, no matter how knowledgeable they were in the subject, were present and spoke at a conference of Prime Ministers and spoke sort of as equals at that particular conference. I can very well recall in some of the early days where the prime minister came back on another day very definitely insisting there was only one individual who would speak for the Province of Quebec and that was himself.

THE CHAIRMAN: You know, it would certainly

be a highly defensible position in terms of this kind of conference, because it would make it a qualification that it was not a Federal-Provincial conference, or we are not engaging in positions but rather it was a conference of exploration of ideas from people that they would be exposed to.

I think we had better call a little break now. Coffee is supposed to be there.

--- The meeting adjourned in formal session at 4.30 p.m.

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